

PRELIMINARY DIGEST

**SENATE AND HOUSE BILLS ENACTED
BY THE
SEVENTY-THIRD GENERAL ASSEMBLY
OF THE
STATE OF COLORADO**

2021 - First Regular Session

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Includes 163 bills which have been passed by
the General Assembly

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The first date appearing after each digest entry is the date on which the Act was approved by the Governor or, if noted, became law without his signature; the second date is the effective date of the Act. At the time of publication, some measures that do not contain a safety clause will appear with a notation that it is effective on the 91st day after sine die. The official date for these bills will appear in the final digest that is published in June. Vetoed bills are designated and marked "VETOED".

Bills are in categorical order. This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive of the contents of the bills.

Compiled by the
Office of Legislative Legal Services

ADMINISTRATIVE RULE REVIEW

S.B. 21-152 Continuation of 2020 rules of executive agencies - exceptions listed. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2019, and before November 1, 2020, with the exception of certain rules of the following agencies, as specifically listed in the act:

- The state board of education concerning administration of the public school transportation fund;
- The air quality control commission concerning stationary source permitting and air pollutant emission notice requirements; and
- A number of boards and commissions within the department of regulatory agencies concerning rules implementing H.B. 20-1326 and S.B. 20-102.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2021, on the grounds that the rules either conflict with statute or lack statutory authority.

APPROVED by Governor May 10, 2021

EFFECTIVE May 10, 2021

H.B. 21-1137 Notice of rules adopted as a result of recent legislation - removing cosponsors from notification list - limiting the notification period. In 2013, the general assembly enacted SB13-030, which required, in part, that the office of legislative legal services provide written notice of rules adopted as a result of specific legislation enacted on or after January 1, 2013, to:

- The prime sponsors of the legislation if still serving in the general assembly;
- The cosponsors of the legislation if still serving in the general assembly; and
- The applicable committees of reference in the senate and house of representatives for the legislation.

The act removes the requirement to notify cosponsors of the legislation and limits the notification period to up to 8 years after the legislation was enacted.

APPROVED by Governor April 15, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

AGRICULTURE

S.B. 21-79 Public health - deregulation of sale of animal shares and certain meat. The act allows a person to sell, without licensure, regulation, or inspection by a public health agency, rabbit meat if the animal was raised and processed by the seller and to sell shares in the meat of an animal, which includes cattle, calves, elk, sheep, hogs, bison, goats, and rabbits, but not fish, for future delivery if:

- The person displays at the point of sale a disclaimer or gives the purchaser a document with a disclaimer that:
 - The seller is not licensed and the animals or meat are not subject to state regulation or inspection by a public health agency; and
 - The animals or meat are not intended for resale; and
- The animals or meat are delivered directly from the seller to an informed end consumer and are sold only in Colorado.

The purchaser is prohibited from reselling the animal, animal share, or meat. A seller is not liable in a civil action for damages caused by inadequately cooking or improperly preparing the animal or meat for consumption.

The act also limits the number of brand inspections for an animal share sale to a single inspection before slaughter. The state board of stock inspection commissioners will promulgate rules establishing procedures for a single inspection.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

S.B. 21-135 Traveling animal acts - prohibition - exceptions - penalty. The act creates the "Traveling Animal Protection Act" (Act), which prohibits a person from causing the performance of specified animals, such as whales, dolphins, wild cats, marsupials, nonhuman primates, rhinoceroses, seals, elephants, large birds, penguins, and bears, in a traveling animal act. The Act exempts the use of livestock and alternative livestock.

The Act also exempts the use of the specified animals by or at:

- Wildlife sanctuaries;
- Nonmobile, permanent institutions, facilities, zoos, and aquariums;
- Environmental education programs;
- Universities, colleges, laboratories, and other research facilities conducting research;
- Film and television productions;
- Rodeos; and
- County fairs.

A person who violates the act commits a misdemeanor and is subject to a fine ranging

from \$250 to \$1,000 per violation.

APPROVED by Governor May 14, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1102 Pet stores - transparency requirements. The act creates the "Pet Store Consumer Protection Act", which requires each pet store licensed to sell or offer to sell dogs or cats to:

- Include on all advertisements, including website postings, the purchase price of the dog or cat and any applicable federal or state license numbers for the breeder of the dog or cat;
- Post on the enclosure of each dog or cat the purchase price of the dog or cat and certain information on the dog's or cat's breeder; and
- Make certain written disclosures to a prospective consumer prior to selling a dog or cat.

The act preserves the right of a statutory or home rule local government to enact requirements for pet stores that are more stringent than the requirements of the act.

APPROVED by Governor May 1, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1148 Colorado state fair authority - annual report - deadline change - release to all legislative members. Under current law, the Colorado state fair authority (authority) and its board of commissioners are required to publish an annual report each year by October 31 and to distribute the report to the governor and the members of the legislative committees with jurisdiction over agricultural matters. The act changes the annual reporting deadline to January 31 or 10 days after the legislative audit committee releases the authority's financial audit, whichever is later, and requires that the report be submitted to all members of the general assembly.

APPROVED by Governor May 7, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

APPROPRIATIONS

S.B. 21-41 Supplemental appropriation - department of corrections. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increased and the cash funds, reappropriated funds and federal funds portions are decreased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-42 Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-43 Supplemental appropriations - department of health care policy and financing. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund and cash funds portions of the appropriation is decreased and the reappropriated funds and federal funds portions are increased.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. A footnote is amended to extend the time money is to remain available for the single tool assessment project.

Restrictions on funds for the department in the 2019-20 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-44 Supplemental appropriations - department of human services. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

The 2019 general appropriation act is amended to balance and make adjustments to

the total amount appropriated to the department of human services. The federal funds portion of the appropriation is increased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-45 Supplemental appropriations - judicial department. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and cash funds portions of the appropriation are decreased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-46 Supplemental appropriations - department of law. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of law.

Amends House Bill 20-1379, concerning suspending the direct distribution to the public employees' retirement association for the 2020-21 state fiscal year, to decrease the amount decreased for the PERA direct distribution.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-47 Supplemental appropriations - department of natural resources. Supplemental appropriations are made to the department of natural resources. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of natural resources.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-48 Supplemental appropriations - department of personnel. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund portion of the appropriation is increased and the cash funds and reappropriated funds portions are decreased.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund portion of the appropriation is increased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-49 Supplemental appropriations - department of public safety. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-50 Supplemental appropriations - department of state. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The general fund portion of the appropriation is increased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-51 Supplemental appropriations - department of the treasury. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-52 Supplemental appropriations - capital construction projects. The 2020 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

The 2019 general appropriation act is amended to reflect the correct the name of the capitol annex repair and renovation project, under the department of personnel.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects under the department of higher education. The cash funds portion of the appropriation is decreased.

The 2011 general appropriation act is amended to extend the total amount appropriated for superfund sites cleanup under the department of public health and environment to June 30, 2021.

The capital construction appropriation in House Bill 18-1006, concerning modifications to the newborn screening program administered by the department of public health and environment is amended to increase the amount appropriated for use by the laboratory services division.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-196 Legislative appropriation. The act appropriates \$54,276,399 to the legislative department for the payment of expenses in the 2021-22 state fiscal year. Additionally, the act appropriates \$25,000 to the youth advisory council cash fund within the legislative department.

APPROVED by Governor April 26, 2021

EFFECTIVE April 26, 2021

S.B. 21-205 General appropriation act - 2021 long bill. For the state fiscal year beginning July 1, 2021, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2021. The grand total for the operating budget is set at \$34,663,861,108 of which \$9,390,465,968 is from the general funds portion of the appropriation; \$2,541,061,637 is from the general fund exempt portion; \$9,556,366,495 is from the cash funds portion; \$2,190,040,788 is from the reappropriated funds portion; and \$10,985,926,220 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for capital construction projects is \$301,716,984 of which \$217,395,025 is from the capital construction fund portion of the appropriation; \$79,429,276 is from the cash funds portion; \$1,800,000 is from the reappropriated funds portion; and \$3,092,683 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2021, for information technology projects is \$65,935,383 of which \$28,711,790 is from the capital construction fund portion of the appropriation; \$29,977,393 is from the cash funds portion; and \$7,246,200 is from the federal funds portion.

The 2018 capital construction appropriations is amended to balance and make adjustments to the total amount appropriated to the departments of higher education and human services.

The 2019 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education.

The 2020 general appropriation is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, local affairs, military and veterans affairs, public safety and treasury. The 2020 capital construction appropriations are amended to balance and make adjustments to the total amount appropriation to the department of personnel.

An appropriation made in the 2019 general appropriation act is amended to correct the name of the cash fund from which money is appropriated for the children's basic health plan medical and dental costs.

Appropriations made in House Bill 20-1385, concerning the increased money received due to the federal "Families First Coronavirus Response Act", is amended to reduce the amount appropriated to the department of higher education.

An additional appropriation is made to the legislative department for use by the joint budget committee.

APPROVED by Governor May 17, 2021

EFFECTIVE May 17, 2021

CHILDREN AND DOMESTIC MATTERS

S.B. 21-59 Juvenile justice. The act makes conforming amendments and includes a cleanup of the main definition section for title 19, Colorado Revised Statutes, to reflect changes made through the reorganization of article 2 of title 19, Colorado Revised Statutes.

APPROVED by Governor May 13, 2021

EFFECTIVE October 1, 2021

S.B. 21-66 Juvenile justice - diversion programs. The act makes several changes and clarifications to current juvenile diversion programs (diversion), including:

- Clarifying the division of criminal justice in the department of public safety's (division) authority over all programs funded with diversion money;
- Clarifying that diversion funding may be allocated to entities other than district attorneys' offices;
- Requiring eligibility criteria for diversion be made public;
- Establishing that a juvenile is eligible to divert if the juvenile meets the eligibility criteria;
- Clarifying that an approved validated assessment tool may be used for decisions on the length of supervision and necessary services;
- Clarifying that a risk screening tool is to be used to inform the level and intensity of supervision;
- Establishing a clear process for data collection so the division can properly evaluate its diversion programs; and
- Creating a clearer process and role for the division in the allocation process.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

Note: Specified provisions of the act are contingent upon Senate Bill 21-059 becoming law.

H.B. 21-1022 Surrogacy agreements - requirements - enforcement. The act creates the "Colorado Surrogacy Agreement Act" (act). The act:

- Establishes eligibility requirements for entering into surrogacy agreements (agreements) and required elements of agreements;
- Contains provisions governing the termination of agreements and the effect of a death or a change in marital status of any of the parties to such agreements;
- Authorizes court orders recognizing and enforcing agreements;
- Specifies the duties of persons under agreements;
- Authorizes court orders determining parentage; and
- Creates new definitions for agreements.

APPROVED by Governor May 6, 2021

EFFECTIVE May 6, 2021

H.B. 21-1031 Jurisdiction - trial court - during appeal. The act declares the intention of the general assembly to reverse the holding and decision in the Colorado supreme court's (court) January 13, 2020, opinion in *In re: The Parental Responsibilities Concerning W.C.* The act gives the court continuing jurisdiction during the pendency of an appeal:

- Under article 10 of title 14, to modify a decree respecting child support or maintenance; to make or modify an order granting or denying parenting time rights; and to modify an order allocating decision-making responsibilities;
- Under the "Uniform Child-custody Jurisdiction and Enforcement Act", to exercise temporary emergency jurisdiction;
- Under the "Uniform Child Abduction Prevention Act", to modify an order concerning the allocation of parental rights and responsibilities; and
- Under the "Uniform Parentage Act", to modify an order for child support or for allocation of parental rights and responsibilities.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1072 Out-of-home-placement - services - non-discrimination. The act requires a provider of services related to child and youth out-of-home placement (service provider) to provide fair and equal access to all available programs, benefits, and services offered by the service provider. Services related to out-of-home placement must be provided in a manner that is culturally responsive to the complex social identity of the child or youth receiving such services.

A service provider is prohibited from denying any person the opportunity to become an adoptive or a foster parent, or delaying or denying the placement of a child or youth for adoption or into foster care, on the basis of the real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, ancestry, or any communicable disease, including HIV, of the prospective adoptive or foster parent or the child unless the delay or denial of the placement is not detrimental to the health or welfare of the child or youth.

The act requires that foster parent training include instruction on the right of a foster child or youth to have fair and equal access to all available services and other health and educational services available to foster children and foster youth, including siblings in foster care.

APPROVED by Governor April 19, 2021

EFFECTIVE April 19, 2021

H.B. 21-1151 Foster care - certification - Indian tribe foster homes. Current law allows only a county department of human or social services or a child placement agency to certify foster homes. The act updates statute to allow for a federally recognized Indian tribe pursuant to

applicable federal law to certify its own foster homes.

APPROVED by Governor May 15, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 21-1048 Retail establishments - requirement to accept cash - exceptions. The act requires retail establishments that offer goods or services to accept United States currency (cash) to purchase the goods or services, but does not apply to:

- Establishments that do not have an individual accepting payment in person;
- Establishments that provide a device to convert cash into a prepaid card with no fee and a minimum balance of no more than one dollar;
- A transaction in which a security deposit is placed on a credit card or in which a credit card number is provided to cover unforeseen damages or expenses; and
- A bank or credit union.

A violation is a class 2 petty offense punishable by a fine of up to \$250. The act applies to offenses committed on or after the effective date of this act.

APPROVED by Governor May 10, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

CORPORATIONS AND ASSOCIATIONS

H.B. 21-1124 Electronic transactions - notice - remote meeting participation. The act facilitates business entities' ability to conduct business activities electronically by:

- Defining terms, including address, delivery, document, e-mail, electronic transmission, notice, and sign, that relate to electronic communications;
- Specifying how notice may be given by electronic transmission; and
- Establishing requirements for remote participation in shareholders' and directors' meetings.

APPROVED by Governor April 19, 2021

EFFECTIVE April 19, 2021

CORRECTIONS

S.B. 21-153 Offender assistance - state-issued identification program. The act requires the department of corrections (department) to operate a program to assist offenders with acquiring state-issued identification cards and other identification documents necessary for offenders to obtain state-issued identification. The department can enter into agreements with the Colorado department of revenue and federal social security administration as necessary to operate the program.

APPROVED by Governor May 6, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

COURTS

S.B. 21-2 Debt collection - temporary limitation on garnishment, execution levy, and attachment in cases of financial hardship - temporary exemption from execution - extension of time. The act extends the time in which debtors experiencing financial hardship due to the COVID-19 emergency may have extraordinary debt collection actions suspended. Existing law required a judgment creditor (creditor) to provide a notice to a judgment debtor (debtor) before instituting an extraordinary debt collection action, which includes an action in the nature of a garnishment, attachment, levy, or execution to collect or enforce a judgment. The debtor may suspend the collection action by notifying the creditor that the debtor is experiencing financial hardship due to COVID-19. The obligation to provide notice and the suspension of the collection action were effective through February 1, 2021. The act extends the effective period for the notice and the suspension to June 1, 2021. If a collection action has already been suspended by the debtor, the suspension is now effective through June 1, 2021.

In addition, under existing law, up to \$4,000 cumulative in a depository account or accounts in a debtor's name is exempt from levy and sale under a writ of attachment or execution through February 1, 2021. The act extends that date to June 1, 2021.

APPROVED by Governor January 21, 2021

EFFECTIVE January 21, 2021

S.B. 21-73 Civil claims based on sexual misconduct - statute of limitations. Under existing law, the statute of limitations to bring a civil claim based on sexual assault or a sexual offense against a child is 6 years, but the statute is tolled when the victim is a person under disability or is in a special relationship with the perpetrator of the assault. The act defines sexual misconduct and removes the limitation on bringing a civil claim based on sexual misconduct, including derivative claims and claims brought against a person or entity that is not the perpetrator of the sexual misconduct. The statutory period to commence a civil action described in the act applies to a cause of action that accrues on or after January 1, 2022, or a cause of action accruing prior to January 1, 2022, so long as the applicable statute of limitations has not yet run as of January 1, 2022.

The act removes the provision that a plaintiff who is a victim of a series of sexual assaults does not need to establish which act in the series caused the plaintiff's injuries.

The act repeals the limited waiver of the doctor- or psychologist-patient privilege for claims brought by a person under disability.

Under existing law, a plaintiff who brings a civil action alleging sexual misconduct 15 years or more after the plaintiff turns 18 is limited to recovering only certain damages. The act repeals this limitation.

Under existing law, a victim who is a person under disability or is in a special relationship with the perpetrator of the assault may not bring an action against a defendant

who is deceased or incapacitated. The act eliminates this restriction.

Under existing law, a claim for negligence in the practice of medicine that is based on a sexual assault is exempt from the statute of limitations for claims involving sexual assault and instead is subject to the same limitation as any other claim for negligence in the practice of medicine. The act removes this exemption.

APPROVED by Governor April 15, 2021

EFFECTIVE January 1, 2022.

S.B. 21-143 Alternative dispute resolution - collaborative law. The act enacts the "Uniform Collaborative Law Act". The act authorizes a collaborative law process for proceedings arising under family or domestic relations law whereby disputes are resolved without intervention by a court or other tribunal. The act specifies the requirements for a collaborative law participation agreement, including that both sides be represented and advised by collaborative law lawyers, and that communications made during the collaborative law process are confidential and may not be used in later proceedings except in specified situations.

APPROVED by Governor May 17, 2021

EFFECTIVE January 1, 2022

NOTE: This act was passed without a safety clause.

H.B. 21-1136 Judicial division - assignment of judicial duties - retired members of the judicial division. Under current law, a retired member of the judicial division may perform assigned judicial duties without pay for not less than 60 or 90 days each year. Such a member of the judicial division will receive a benefit increase equal to not less than 20% or more than 30% of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

The act changes the amount of time that a retired member of the judicial division may perform assigned judicial duties without pay and the amount of a benefit increase such a judge will receive. The act specifies that a retired member of the judicial division may perform assigned judicial duties without pay for 10, 20, 30, 60, or 90 days each year and will receive a benefit increase equal to 3.3%, 6.7%, 10%, 20%, or 30% respectively of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

Additionally, under current law, within 5 years after retirement, a retired member of the judicial division who did not enter into an agreement prior to retirement to perform assigned judicial duties without pay during retirement may enter into such a written agreement within 30 days prior to each anniversary date of retirement. The act removes this requirement.

The act also states that the following retirees from the judicial division are not eligible

to perform the assigned judicial duties described above:

- Retirees who received "a does not meet performance standards" or "do not retain" recommendation in their last judicial performance evaluation before retirement, either published or unpublished;
- Retirees who received a disciplinary disposition from the commission on judicial discipline or private admonishment, private reprimand, private censure, public reprimand, public censure, suspension, or removal; and
- Retirees who, during or after their term in office, received private or public discipline from the office of the presiding disciplinary judge.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

H.B. 21-1188 Civil liability - direct negligence - respondeat superior. The act allows a plaintiff to assert direct negligence claims against an employer or principal arising out of the same incident in which the employer or principal admits liability for the tortious actions of its employee or agent.

APPROVED by Governor May 17, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

CRIMINAL LAW AND PROCEDURE

S.B. 21-78 Firearms - missing firearms report. An individual who owns a firearm must report the loss or theft of that firearm to a law enforcement agency within 5 days after discovering that the firearm was lost or stolen. A first offense for failure to make such a report is a civil infraction punishable by a \$25 fine, and a second or subsequent offense is a misdemeanor punishable by a maximum \$500 fine. The 5-day reporting requirement does not apply to a licensed gun dealer.

Another person who is a member of the owner's family or who resides with the owner may report the lost or stolen firearm. If the other person reports the loss or theft of the firearm, the owner is not required to make a report. A report by another person is not an acknowledgment of firearm ownership.

A person who reports a lost or stolen firearm is immune from criminal prosecution for an offense pursuant to state law related to the storage of firearms.

The act requires a law enforcement agency that receives a report of a lost or stolen firearm to enter information about the lost or stolen firearm into the Colorado bureau of investigation crime information center database.

APPROVED by Governor April 19, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-124 Felony murder - change from class 1 felony to class 2 felony - change elements and affirmative defense. Under current law, it is a class 1 felony as it pertains to first degree murder if a person commits or attempts to commit certain specified felonies and the death of a person, other than one of the participants, is caused by anyone during the crime. The act changes the current law by:

- Moving the crime from first degree murder to second degree murder and changing the penalty from a class 1 felony to a class 2 felony that is subject to crime of violence sentencing;
- Requiring the death be caused by a participant; and
- Repealing certain elements of the affirmative defense.

The act makes conforming amendments.

APPROVED by Governor April 26, 2021

EFFECTIVE September 15, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-192 Sentencing - youthful offenders - housing - mentor program. Under existing

law, offenders sentenced to the youthful offender system are housed and serve their sentences in a facility separate from, and are not brought into daily physical contact with, inmates 25 years of age or older who are sentenced to the department of corrections who have not been sentenced to the youthful offender system. The act adds an exemption to that facility separation that permits youthful offenders to be housed in a youthful offender facility with inmates 25 years of age or older who are participating in a mentoring program; except that the exemption does not apply to inmates who have been convicted of a sex offense.

APPROVED by Governor May 6, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1106 Firearms - storage requirement - firearms safe storage education. The act requires that firearms be responsibly and securely stored, as described in the act, when they are not in use in order to prevent access by unsupervised juveniles and other unauthorized users. A person commits unlawful storage of a firearm when the person does not responsibly and securely store a firearm and the person knows, or should know:

- That a juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian; or
- A resident of the premises is ineligible to possess a firearm under state or federal law.

Unlawful storage of a firearm is a class 2 misdemeanor.

The act requires licensed gun dealers to provide with each firearm, at the time of a firearm sale or transfer, a locking device capable of securing the firearm. Transferring a firearm without a locking device is an unclassified misdemeanor punishable by a maximum \$500 fine.

The act requires the state court administrator to annually report to the general assembly about the number of charges related to unsafe firearms storage and the disposition of those charges.

The act requires the office of suicide prevention within the department of public health and environment (department) to include on its website, and in materials provided to firearms-related businesses and health care providers, information about the offense of unlawful storage of a firearm, penalties for providing a handgun to a juvenile or allowing a juvenile to possess a firearm, and the requirement that gun dealers provide a locking device with each firearm transferred. Subject to available money, the department is required to develop and implement a firearms safe storage education campaign to educate the public about the safe storage of firearms, state requirements related to firearms safety and storage, and information about voluntary temporary firearms storage programs.

APPROVED by Governor April 19, 2021

EFFECTIVE July 1, 2021

EDUCATION - PUBLIC SCHOOLS

S.B. 21-13 Student learning recovery - resource bank - supplemental online courses - report.

The act directs the department of education (department) to identify educational products, strategies, and services that have demonstrated effectiveness in identifying and reversing student learning loss that has been caused by the suspension of in-person learning. The department must create and maintain a resource bank of examples of educational products, explanations of and instructions for implementing strategies and educational services, and models of professional development programs related to using the products and implementing the strategies and services. School districts, boards of cooperative services, and charter schools (local education providers) may submit information to the department concerning products, strategies, and services that they have used with success, and the department must include them in the resource bank. The department must also provide information concerning public or private nonprofit entities that local education providers may work with in providing student support. The act also directs the department, to the extent possible within existing resources, to provide technical assistance to local education providers upon request.

The act recognizes the amount of federal COVID-relief money that the department is expected to receive and encourages the department to use as much as possible of the amount received to fund learning recovery initiatives. The act requires the department to prepare a report concerning the department's use of the federal money received and submit the report to the education committees of the general assembly and post the report on the department's website.

The act directs the board of cooperative services that administers the statewide supplemental online and blended learning program (administering BOCES) to partner with local education providers for delivery of supplemental online learning recovery courses for students in elementary and secondary schools. The administering BOCES and local education providers are also directed to partner with nonprofit entities and community-based organizations to expand the availability of, and students' access to, supplemental online learning recovery courses. The administering BOCES and the local education providers must provide information concerning the availability of the learning recovery courses and other supplemental online courses.

APPROVED by Governor May 13, 2021

EFFECTIVE May 13, 2021

S.B. 21-53 School finance - mid-year adjustments to total program funding - additional state funding - appropriations.

The actual funded pupil count and the actual at-risk pupil count for the 2020-21 budget year were lower than anticipated when the appropriation amount was established during the 2020 legislative session, resulting in a decrease in total program funding for the 2020-21 budget year. In addition, local property tax revenue and specific ownership tax revenue were less than anticipated, resulting in a decrease in the local share of total program funding.

The act declares the general assembly's intent to maintain total program funding at the dollar amount of the original appropriation made during the 2020 legislative session, thereby reducing the budget stabilization factor.

The act appropriates additional funding for the 2020-21 budget year for districts that experienced a percentage decrease in total program funding from that estimated during the 2020 legislative session that was greater than the district's percentage decrease in funded pupil count from that estimated during the 2020 legislative session. In addition, the act includes additional funding for districts that have an overall reduction in total program funding that is more than 2% below the districts' estimated total program funding during the 2020 legislative session.

Charter schools in districts that qualify for additional funding receive a per-pupil share of the additional funding. If an institute charter school experiences a reduction in total program funding from that estimated during the 2020 legislative session and is in an accounting district that receives additional funding, the institute charter school receives a per-pupil amount of additional funding.

Additionally, the act includes an appropriation for rural school funding pursuant to section 22-54-142.

For the 2020-21 state fiscal year, the act appropriates to the department of education:

- \$14,710,777 and \$4,578,464 from the general fund for additional state funding for school districts and district charter schools;
- \$569,849 from the general fund for additional state funding for institute charter school; and
- \$25,000,000 from the rural schools cash fund for rural school funding.

APPROVED by Governor March 15, 2021

EFFECTIVE March 15, 2021

S.B. 21-56 Cannabis-based medicine at school - required school board policies - administration by school personnel - legal protection for administration - exceptions - appropriation. Under current law, school districts must permit primary caregivers to possess and administer cannabis-based medicine on school grounds, and school principals are given the discretion to permit the storage, possession, and administration of cannabis-based medicine on school grounds by school personnel. The act removes the discretion from the school principals and requires school boards to implement policies allowing for the storage, possession, and administration of cannabis-based medicine by school personnel. The act allows school personnel to volunteer to possess, administer, or assist in administration of cannabis-based medicine and protects those who do from retaliation. But, school personnel are not required to administer medical marijuana and cannot be retaliated against for refusing. The volunteer or school personnel who administers the medical marijuana must do so pursuant to the instructions or plan for administration from one of the student's recommending physicians, including the dosing, timing, and delivery route instructions. The

act imposes a duty on school principals to create a written treatment plan for the administration of cannabis-based medicine and on school boards to adopt policies regarding actual administration.

The act provides disciplinary protection to nurses, anyone licensed pursuant to title 12, and school personnel who administer cannabis-based medicine to students at school. The act provides civil and criminal immunity to school personnel who act in good faith in administering cannabis-based medicine to students at school. The act requires schools to treat cannabis-based medicine recommendations like prescriptions. The act does not apply to a private or nonpublic school, and it does not apply to a public school located on federal land if the federal government prohibits administration of medical marijuana at a school located on federal land.

The act appropriates \$15,419 to the department of education from the general fund to purchase legal services from the attorney general.

APPROVED by Governor May 5, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-67 School districts - civics education studies - content standards. The act specifies information and issues that public schools must teach in providing courses on civil government. The act directs the state board of education to review the state civics standards and update them as necessary to include the identified information and issues. The act encourages each school district and public school to partner with local service organizations to solicit donations to improve the quality of the civics education program. Donations may be used to pay the cost to develop a high-quality curriculum, invite speakers to interact with students, and provide students with opportunities for civics learning and engagement outside of the classroom.

APPROVED by Governor May 6, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-104 Education - special education fiscal advisory committee. The act continues the Colorado special education fiscal advisory committee until 2031.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

S.B. 21-117 Students in out-of-home placement - education - transportation services - coordination with counties. The act amends provisions concerning students in out-of-home placement that mandate cooperation between schools and county departments of human or social services (county departments) relating to education. Specifically, the act:

- Amends the definition of "student in out-of-home placement" to align with those students in custody of county departments;
- Streamlines billing practices for transportation services provided to students in out-of-home placement by requiring the use of invoices and forms approved by both the department of education and the state department of human services; and
- Authorizes school districts and the state charter school institute in establishing transportation plans with county departments, as required by law, to establish transportation plans by region or through a board of cooperative services.

APPROVED by Governor April 26, 2021

EFFECTIVE April 26, 2021

S.B. 21-157 Charter schools - capital construction - moral obligation bond cap increase. Under current law, if the Colorado educational and cultural facilities authority has issued qualified charter school bonds for a charter school that fails to immediately restore its qualified charter school debt service reserve fund (reserve fund) to the applicable reserve fund requirement, the general assembly may, but is not required to, appropriate money to restore any or all reserve fund requirements for an aggregate outstanding principal amount of bonds not to exceed \$500 million. The act increases the cap for the aggregate outstanding principal amount of qualified charter school bonds for which the general assembly may restore reserve fund requirements to \$750 million.

APPROVED by Governor April 15, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-206 Educator licensure cash fund - continuous appropriation - reporting. Since July 1, 2011, money in the educator licensure cash fund (fund), which includes educator license fees, has been continuously appropriated to the state board of education and the department of education (department) for expenses incurred in the administration of the "Colorado Educator Licensing Act of 1991". While the money is continuously appropriated, the department is required to report to legislative committees about its expenditures from the fund and about application processing time. Beginning with the next fiscal year, the general assembly is required to annually appropriate the money, and the reporting requirement is repealed.

The act grants the department 3 more years of continuous appropriation authority, and it likewise extends the related reporting requirement.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

H.B. 21-1055 School districts - boards of education - member and officer compensation. The act removes the restriction on compensation for a president or vice-president of a school

district board of education (board) and allows for the compensation of members of a board. The act also clarifies that any increase to compensation cannot occur during an officer's or member's term in office. The act also requires that a board set compensation rates for officers and members by written resolution in a public meeting. The act also allows members of a board to be reimbursed for necessary expenses in amounts approved by a majority vote of the board in a public meeting.

The act also requires that any compensation provided to officers or members of a board is not higher than \$150 per day for not more than 5 days per week. The act also provides that board members may only receive compensation for days when official board duties are performed. The act also allows a board to adjust compensation for inflation after January 1, 2022.

APPROVED by Governor May 17, 2021

EFFECTIVE May 17, 2021

H.B. 21-1112 School districts - scholarship program. The act authorizes a school district board of education to establish a scholarship program for graduates of the school district. The scholarships must be paid from additional mill levy revenue that the school district is authorized to collect; gifts, grants, and donations; or both. A school district board of education that establishes a scholarship program is encouraged to prioritize low-income and first-generation students and limit the allowable uses of scholarship money.

APPROVED by Governor May 18, 2021

EFFECTIVE May 18, 2021

H.B. 21-1129 READ act - teacher training in literacy - extension. The law existing before the passage of the act required school districts, charter schools, and boards of cooperative services to demonstrate that, by the beginning of the 2021-22 school year, the kindergarten-through-third-grade teachers they employ have completed evidence-based training in teaching reading. The act extends the deadline for completing the training until the beginning of the 2022-23 school year.

APPROVED by Governor May 10, 2021

EFFECTIVE May 10, 2021

H.B. 21-1161 Educational accountability - state assessments - waivers. The act suspends the administration of state assessments, contingent on receiving a waiver of federal law from the federal department of education, for the following instructional areas and grade levels for the 2020-21 school year:

- Science for students enrolled in grades 5, 8, and 11;
- Math for students enrolled in grades 3, 5, and 7; and
- English language arts for students enrolled in grades 4, 6, and 8.

For the 2020-21 school year, the act suspends administration of the social studies

assessment for students enrolled in elementary and middle school.

The act allows the parent of a student enrolled in a grade for which administration of the English language arts or math assessment is suspended to request through the local education provider in which the student is enrolled that the student participate in the English language arts assessment or the math assessment.

The act prohibits a school district from using student academic growth measures or student performance measures when evaluating licensed personnel for the 2020-21 school year.

The act requires a school or school district or the state charter school institute to implement the performance plan type that was assigned in the preceding school year. The act also requires the department of education (department), in determining the number of school years that a school or school district or the institute is on performance watch or subject to 2-year review, to exclude the plan types for the 2020-21 and 2021-22 school years and count the plan type for the 2022-23 school year as if it were consecutive to the 2019-20 school year.

If required to implement a priority improvement or turnaround plan during the 2020-21 school year on the basis of its plan type for the 2019-20 school year, the act allows a school or school district or the institute to request a plan type for the 2021-22 school year that reflects its level of attainment based on an alternative body of evidence.

For the 2020-21 and 2021-22 school years, the act suspends the requirement that the department determine annually the level of attainment for public schools, school districts, the institute, and institute charter schools based on performance indicators.

The act reduces the appropriation to the department for the 2020-21 fiscal year.

APPROVED by Governor March 16, 2021

EFFECTIVE March 16, 2021

EDUCATION - POSTSECONDARY

S.B. 21-8 Postsecondary education - community and technical colleges - name changes. The act changes the names of the following colleges:

- Trinidad state junior college to Trinidad state college; and
- Otero junior college to Otero college.

APPROVED by Governor May 18, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-83 Postsecondary education - student financial assistance funding. The act modifies the requirement for the 2021-22 fiscal year that the annual appropriations for higher education student financial assistance increase by at least the same percentage as the aggregate percentage increase of all general fund appropriations to institutions of higher education. The act clarifies that this standard increase will not apply to appropriations for the 2021-22 fiscal year for increases in funding for the institutions of higher education that restore aggregate general fund appropriations to a level at or below the level of such appropriations for the 2019-20 fiscal year. Furthermore, for the 2021-22 fiscal year, the standard formula will be calculated based on 2020-21 fiscal year financial aid appropriations during the 2020 legislative session and does not include supplemental appropriations for financial aid during the 2021 legislative session.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-100 Council of higher education representatives - extend repeal. The act continues the council of higher education representatives (council) and extends the repeal of the council for 10 years, to September 1, 2031. Prior to the repeal, the act requires the department of regulatory agencies to conduct a sunset review of the council.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

S.B. 21-109 Auraria higher education campus - board - bond payments for auxiliary facilities. For the 2020-21 and 2021-22 state fiscal years only, the act allows the Auraria board to make payments on certain existing bonds for auxiliary facilities from other sources, including money contributed by constituent institutions and from money appropriated to the board by the general assembly.

APPROVED by Governor March 12, 2021

EFFECTIVE March 12, 2021

S.B. 21-179 Postsecondary education - student financial assistance - Colorado opportunity scholarship initiative - advisory board. The act amends the composition of the Colorado opportunity scholarship initiative advisory board.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

S.B. 21-215 Open educational resources - zero-textbook-cost degree programs - grant program expansion - report - appropriation. The act makes several changes to the existing statute concerning open educational resources, including:

- Expanding the open educational resources grant program (grant program) to provide grants to develop, implement, and replicate entire zero-textbook-cost degree programs;
- Moving preparation of the annual grant program report from the open educational resources council (council) to the department of higher education (department); and
- Extending the repeal date for the council and the grant program for 5 years.

The statutes existing before passage of the act require public institutions of higher education, beginning in the fall of 2021, to inform students before registration of which courses use open educational resources. The act directs the commission on higher education to adopt guidelines to require public institutions of higher education, beginning no later than the fall of 2025, to also inform students at the point of registration concerning those courses that use open educational resources.

The act directs the department to review the open educational resources policies adopted across the state and identify and determine the efficacy of policies that expand the use and promote the sustainability of open educational resources. The department must include this information in the annual grant program report.

For the 2021-22 fiscal year, the act appropriates \$1,108,200 to the department to use for open educational resource initiatives and preparation of the annual grant program report.

APPROVED by Governor May 5, 2021

EFFECTIVE May 5, 2021

ELECTIONS

H.B. 21-1001 Remote participation in political party and vacancy committee meetings. Through the end of 2021, the act allows members of a party central committee or vacancy committee to participate in a committee meeting remotely, including by casting the member's vote by e-mail, mail, telephone, or through an internet-based application if allowed by the party's rules.

The act permits a state senate, state house of representatives, or county commissioner district committee to hold a meeting to address organizational or administrative matters separate from a meeting of the state or county central committee. A member of a district committee may participate in a separate meeting by remote means if such remote participation has been approved by the chair and vice-chair of the district committee.

The act permits a state party central committee or state party executive committee to adopt party rules or bylaws to implement the bill's remote participation provisions. The act also permits a member of the state party central committee or state party executive committee considering such rules or bylaws to participate remotely in a meeting in which the rules or bylaws are being considered.

APPROVED by Governor January 20, 2021

EFFECTIVE January 20, 2021

H.B. 21-1092 Ballot access - candidates - eligibility of candidate for lieutenant governor to run for other office. The act allows a person who is nominated as a candidate for an elected office other than the office of United States senator or representative in congress who is also nominated as a candidate for lieutenant governor to run for both offices. If the person wins the election for both offices, the person must accept the office of lieutenant governor and resign from the other elected office within 7 days of the final certification of the results of both elections. The vacancy created by the resignation is filled in accordance with existing law on vacancies for that office.

A candidate who is nominated for lieutenant governor and for another elected office is required to affirmatively close any candidate committee registered in the person's name for the other office before accepting the nomination for lieutenant governor. The person is prohibited from receiving contributions and making expenditures in support of the person's election to the other office.

VETOED by Governor May 7, 2021

GENERAL ASSEMBLY

S.B. 21-198 Legislative audit committee - school capital construction - repeal of annual report requirement. The act repeals a requirement that the state auditor annually report uses of state education fund money for school capital construction to the education committees of the senate and the house of representatives, the legislative audit committee, and the joint budget committee of the general assembly.

APPROVED by Governor May 13, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1003 Remote participation in legislative proceedings - hearings under the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act - timing. The act authorizes the executive committee of the legislative council (executive committee) to allow electronic participation in legislative proceedings during a declared disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats, and, if it is allowed, to establish policies governing such electronic participation.

If a member cannot participate electronically from the member's home due to a technological limitation, the member may receive reimbursement for travel expenses to an alternate location to allow the member to participate electronically. The amount of the reimbursement cannot exceed the amount the member would customarily receive for travel expenses to Denver to participate in person. A member is not entitled to reimbursement for any other expenses incurred in connection with electronic participation.

Due to the COVID-19 pandemic, for the first regular session of the seventy-third general assembly, the bill allows joint committees of reference that are required to hold hearings commonly referred to as SMART Act hearings to conduct the hearings at any time after the general assembly convenes, including while the general assembly is temporarily adjourned. Legislators, departments, and the public may participate remotely in accordance with policies established by the executive committee or the joint rules of the senate and house of representatives.

APPROVED by Governor January 20, 2021

EFFECTIVE January 20, 2021

GOVERNMENT - COUNTY

S.B. 21-70 Registration of businesses. A board of county commissioners is authorized to require the registration of businesses in the unincorporated portions of the county.

APPROVED by Governor April 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1047 County commissioner districts - redistricting - policies and procedures. The act establishes the process used by county commissioner redistricting commissions (commissions) to divide counties that have any number of their county commissioners not elected by the voters of the whole county into county commissioner districts. In these counties, the act:

- Recommends the establishment of independent county commissioner redistricting commissions and provides criteria to consider when creating these independent commissions;
- Requires the commissions to hold multiple hearings, either online or throughout the relevant counties, that are broadcast and stored online and comply with state statutes regarding open meetings;
- Requires the commissions to provide the opportunity for public involvement by providing the ability to propose and comment on plans and to testify at commission hearings;
- Prohibits improper communication between a member of a commission and the staff of a commission or a member of an advisory committee;
- Mandates that paid lobbying of the commissions be disclosed to the secretary of state by the lobbyist;
- Establishes prioritized factors for the commissions to use in drawing districts, including federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
- Prohibits the commissions from approving a plan if it has been drawn for the purpose of protecting one or more incumbent members, or one or more declared candidates, of the board of county commissioners, or any political party, and codifies current federal law and related existing federal requirements prohibiting plans drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group;
- Requires the commissions to approve a redistricting plan and specifies the date by which a final plan must be adopted by the board of county commissioners; and
- Specifies that the staff of each commission or an advisory committee will draft no less than 3 plans.

The act allows counties to complete the establishment, revision, or alteration of county commissioner districts by September 30 of the second odd-numbered year following a census, rather than the first odd-numbered year following a census. The act also ensures that, if the redistricting of county commissioner districts excludes the residence of a county commissioner from the district the commissioner represents, the commissioner may continue to hold the office of county commissioner until his or her term expires.

The act aligns the redistricting population data used to establish county commissioner districts with the redistricting population data used to establish congressional districts, state house of representative districts, and state senate districts.

The act also requires that, in a county where any number of county commissioners are not elected by the voters of the whole county and the board of county commissioners refers a measure to the voters of the county to change the method of electing county commissioners, the referred measure must provide at least 2 different methods of electing county commissioners.

Finally, the act repeals anachronistic county precinct size rules and allows county clerk and recorders to redraw precincts less often.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

GOVERNMENT - LOCAL

H.B. 21-1114 Provision of internet service by school district. With certain exceptions, a local government is currently required to obtain voter approval and meet other requirements before providing internet access (advanced service) to the public. The act specifies that these requirements do not apply to a school district or board of cooperative services providing advanced service that enables students, teachers, and staff members of the district to access a school-owned and operated network to facilitate remote learning.

APPROVED by Governor May 18, 2021

EFFECTIVE May 18, 2021

GOVERNMENT - SPECIAL DISTRICTS

S.B. 21-160 Elections - administrative clarifications. The act makes the following changes to the local government and special district election codes:

- Revises statutory citations to clarify that the Colorado local government election code is the portion of the election code applicable to special district elections;
- Provides additional statutory citations to specify all instances in which a county assessor provides a list of property owners for an election;
- Clarifies that, when computing time for any designated period of days for a local government election, the first day from which the period of days runs is excluded and the last day from which the period of days runs is included;
- Specifies that the candidate self-nomination form for special district elections must contain the county where the special district is located;
- Clarifies that a candidate's and witness's respective addresses and telephone numbers and a candidate's current e-mail address need to be provided but do not need to be printed by the candidate and witness on the self-nomination form for special district elections;
- Clarifies the procedures for reviewing and verifying a self-nomination form and curing any insufficiencies; and
- Clarifies that local government ballots may be automatically sent to eligible electors who are qualified under contracts to purchase taxable property.

The board of directors of a special district currently consists of 5 or 7 directors elected at large. The act provides a process for dividing a special district into separate director districts and for members to be elected from each director district at large or by the electors within each director district.

APPROVED by Governor May 13, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

Government - State

S.B. 21-1 COVID-19 relief programs - small businesses - disproportionately impacted businesses. The act moves the COVID-19 relief program for minority-owned businesses from the minority business office to the Colorado office of economic development and expands the scope of the program to allow relief payments, grants, loans, and technical assistance and consulting support to small businesses disproportionately impacted by the COVID-19 pandemic.

Additionally, the act extends the deadlines for allocating and distributing relief payments under the small business relief program.

APPROVED by Governor January 21, 2021

EFFECTIVE January 21, 2021

GOVERNMENT - STATE

S.B. 21-4 Real property - legislative jurisdictions - Colorado and the United States - United States Army Pueblo chemical depot. The act creates concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property constituting the United States Army Pueblo chemical depot.

APPROVED by Governor April 20, 2021

EFFECTIVE September 7, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-12 Public safety - fire prevention and control - wildland fire services - employment opportunities. In general, current law provides that a felony conviction or other offense involving moral turpitude does not, in and of itself, prevent a person from applying for or obtaining public employment. The act extends this to persons applying to positions within the wildland fire management section in the department of public safety.

The act requires the division of fire prevention and control (division) to develop materials to increase awareness of wildland fire career opportunities for persons who acquired experience in wildland fire services through the inmate disaster relief program (program).

The act states that the division is encouraged to hire persons who acquired experience in the program for positions performing wildland fire services.

The act requires the division to develop and implement a peer mentor program for persons hired who acquired experience in wildland fire services through the program so those persons may develop and sustain professional skills.

The act requires the wildfire matters review committee to review, and permits the committee to propose, legislation or other policy changes relating to maximizing the utilization of wildland fire services through the inmate disaster relief program and to creating wildland fire career opportunities for persons who acquire experience in wildland fire services through the inmate disaster relief program.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

S.B. 21-24 State holidays - commemorative holiday. The act designates March 30 as "Welcome Home Vietnam Veterans Day", a commemorative state holiday, and allows for appropriate observance by the public and in all public schools in tribute to the service and sacrifice of Vietnam veterans.

APPROVED by Governor March 30, 2021

EFFECTIVE March 30, 2021

S.B. 21-55 State debt collection - repeal central collection services section - decentralized collections by state agencies. The act repeals the central collection services section (CSS) in the division of finance procurement in the department of personnel, which section was the centralized collection agency for state debts of many state agencies. Thereafter, all state agencies will be responsible for collecting their own debts. The act modifies the collection of state debts by:

- Repealing CSS and specifying that each state agency is responsible for collecting debts owed to it;
- Shifting rule-making responsibility related to debt collection from the executive director of the department of personnel to the state controller (controller);
- Permitting a state agency to certify a debt to the department of revenue, so that the department may deduct the debt from a state tax refund or lottery winnings;
- Permitting a state agency to certify a debt to the registry operator under the "Gaming Payment Intercept Act", so that the registry operator may deduct the debt from limited gaming winnings;
- Permitting a state agency to refer a debt to a private counsel or private collection agency;
- Requiring the controller to include in the fiscal rules requirements for a state agency to refer a debt to private counsel or a private collection agency or to certify a debt to the department of revenue;
- Eliminating the ability of the state to collect a debt on behalf of a political subdivision;
- Repealing the requirement that there be written notice and an opportunity for a hearing prior to a tax refund offset being implemented;
- Eliminating the controller and state treasurer's authority to write off a debt due to the state, so that they only have authority to release or compromise such a debt;
- Transferring the balance in the debt collection fund to the general fund and then repealing the fund;
- Authorizing the controller to determine the priority of debts for which amounts will be withheld from disbursements, instead of requiring a pro rata distribution, which cannot be done with decentralized debt collection;
- Repealing the vendor offset implementation fund, which currently has no balance;
- Repealing the requirement that the controller establish performance policies and standards for measuring a state agency's debt collection;
- Repealing the controller's debt collection fee;
- Requiring the controller, without consultation of others, to select the private counsel or private collection agencies, instead of the executive director of the department of personnel with consultation of others;
- Eliminating specification for applying a court-ordered award that is insufficient to cover a state debt, so that such disposition is left to the court order;
- Repealing a written notice to debtors that specifies the amount of the debt,

- including the itemization of any fees, and the name of the creditor to whom the debt is owed; and
- Repealing the authority for the department of personnel to enter into a reciprocal agreement with the United States government or another state to offset debts and allowing the department of revenue to enter into such reciprocal agreements.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-99 Disability support - license plate auctions - Laura Hershey disability support act - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the "Laura Hershey Disability Support Act" by continuing the act for 5 years, until 2026. This continues the Colorado disability funding committee, which auctions motor vehicle license plate numbers to raise money to aid persons with disabilities in accessing disability benefits.

APPROVED by Governor May 6, 2021

EFFECTIVE September 1, 2021

S.B. 21-107 Parental rights for persons with disabilities. In honor and memory of Carrie Ann Lucas, the act names section 24-34-805 of the Colorado Revised Statutes the "Carrie Ann Lucas Parental Rights for People with Disabilities Act".

APPROVED by Governor April 26, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-110 Safe revitalization of main streets - funding. \$30 million is transferred from the general fund to the state highway fund to provide additional funding for the department of transportation's revitalizing main streets and safer main streets programs.

APPROVED by Governor March 19, 2021

EFFECTIVE March 19, 2021

S.B. 21-112 Capital construction - transfer from general fund to capital construction fund - capital projects at state parks. The act transfers a total of \$20 million from the general fund to the capital construction fund in the 2020-21 state fiscal year for single-phase projects at 12 state parks.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-113 Transfer of money from general fund to Colorado firefighting air corps fund - purchase of fire hawk helicopter - leasing of other aviation resources for wildfire mitigation

- use of wildfire emergency preparedness fund to support wildfire suppression assistance. The act directs the state treasurer to transfer \$30,800,000 from the general fund to the Colorado firefighting air corps fund to support the following purposes:

- The purchase by the division of fire prevention and control (division) in the department of public safety of a fire hawk helicopter (helicopter) configured for wildfire mitigation; and
- The leasing by the division of a type 1 helicopter or other available and appropriate aviation resource configured for wildfire mitigation in advance of the 2021 wildfire season and for the operational costs associated with the leased and purchased aviation resources.

In addition to any other purpose for the use of money in the wildfire emergency preparedness fund (WEPF), the act permits the division of fire prevention and control in the department of public safety to use money in the WEPF to provide wildfire suppression assistance to county sheriffs, municipal fire departments, or fire protection districts throughout the state at no cost to such entities pursuant to annual guidelines published by the division in the wildfire preparedness plan.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-141 Statewide internet portal authority - internet portal development - internet portal integrator - competitive solicitation methods. The responsibilities of the statewide internet portal authority (SIPA) include developing the officially recognized statewide internet portal, entering into a contract with a statewide internet portal integrator for the development, support, maintenance, and enhancement of the equipment and systems used for the statewide internet portal, and providing appropriate administration and oversight of the statewide internet portal integrator. Current law specifies that SIPA may not enter into a contract with a statewide portal integrator unless the statewide portal integrator was chosen by the authority pursuant to a request for proposals.

The act retains the requirement for a competitive solicitation for the contract with the statewide portal integrator, but authorizes competitive solicitation methods other than a request for proposals, including the invitation to negotiate.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

S.B. 21-144 Homeland security and all-hazards senior advisory committee - continuation under sunset law. The act continues the homeland security and all-hazards senior advisory committee until September 1, 2031.

APPROVED by Governor April 29, 2021

EFFECTIVE September 1, 2021

S.B. 21-178 Care subfund - extend expenditure and appropriation deadlines. The act extends expenditure or appropriation deadlines from December 30, 2020, to December 31, 2021, for the following programs for which the departments have not yet expended all of their appropriation from the care subfund:

- Eviction legal assistance;
- Human services referral services;
- Low-income energy assistance;
- Behavioral health services;
- Immunization operating expenses; and
- Local public health agencies in rural areas.

In some cases, related program repeal deadlines are also extended.

The act also extends the exclusion of the care subfund expenditures from the calculation of the general fund reserve and delays a transfer of any unused money from the care subfund to the unemployment compensation fund from December 30, 2020, to December 31, 2021.

APPROVED by Governor May 13, 2021

EFFECTIVE May 13, 2021

S.B. 21-208 General fund - transfer to state education fund. The act requires the state treasurer to transfer \$100 million from the general fund to the state education fund on July 1, 2021.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-209 Transfers to general fund from repealed cash funds. The economic gardening pilot project, which was administered by the office of economic development and international trade, was created in 2013 and repealed on July 1, 2017. At the time of the repeal, there was money remaining in the related economic gardening pilot project fund. Additionally, the public school energy efficiency fund was created in 2007 and repealed on July 1, 2017. At the time of the repeal, there was money remaining in the fund.

On July 1, 2021, the act requires the state treasurer to transfer to the general fund the money from the repealed cash funds and any related interest and income.

APPROVED by Governor April 30, 2021

EFFECTIVE April 30, 2021

S.B. 21-219 State highway fund - appropriation to department of natural resources - continuous appropriation for the highway avalanche safety program. All money in the Colorado avalanche information center fund (CAIC fund) has been subject to annual appropriation by the general assembly to the department of natural resources (DNR) for the

direct and indirect costs associated with the Colorado avalanche information center (CAIC). Pursuant to an intergovernmental agreement between the DNR and the Colorado department of transportation (CDOT), state highway fund money that is continuously appropriated to CDOT is credited to the CAIC fund to provide funding to the CAIC for work associated with the highway avalanche safety program that reduces avalanche risk on state highways. Beginning with state fiscal year 2021-22, the act continuously appropriates to the DNR for CAIC's costs associated with the highway avalanche safety program all money that is credited to the CAIC fund from the state highway fund and all interest or income derived from the deposit and investment of that money.

APPROVED by Governor April 30, 2021

EFFECTIVE April 30, 2021

S.B. 21-220 Transfers to severance tax operational fund from cash funds that support grant programs. To avoid a fund deficit in the severance tax operational fund, the act reverses 5 transfers made from the fund to other cash funds after the fiscal year 2019-20. Specifically, the state treasurer is required to transfer the following amounts to the fund:

- \$1,998,205 from the species conservation trust fund;
- \$1,600,964 from the parks and wildlife aquatic nuisance species fund;
- \$219,803 from the water efficiency grant program cash fund;
- \$297,759 from the interbasin compact committee operation fund; and
- \$3,996,410 from the water supply reserve fund.

APPROVED by Governor April 30, 2021

EFFECTIVE April 30, 2021

S.B. 21-221 State forest service - forest restoration and wildfire risk mitigation grant program - modifications to grant limit and project requirements. The act removes the \$1 million limit for the grant share of individual projects under the forest restoration and wildfire risk mitigation grant program (program). The act also adds a requirement that when the technical advisory panel (panel) considers hazardous fuel reduction projects for the program, the panel shows preference to applicants that are adopting local measures that reduce wildfire risks to people, property, and infrastructure that complement funds provided through the program.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-222 State recovery audit program - appropriation - repeal. The act repeals the state recovery audit program, effective July 1, 2022, and reduces the state fiscal year 2021-22 general fund appropriation to the department of personnel for use by financial operations and reporting for personal services by \$64,714 and the related FTE by 1.0 FTE.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-223 Department of revenue - administrative hearings - location of hearings. The act allows a department of revenue administrative hearing to be held at a location designated by the executive director in either Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, or Jefferson county, or, at the election of the taxpayer, by video conference. The act also specifies that if the taxpayer resides or has their principle place of business in Colorado and the disputed deficiency is either \$200 or less, or involves sales and use taxes regardless of the amount, then the hearing may be held, at the election of the taxpayer, in the district office of the department nearest to the place where the taxpayer resides or has their principal place of business in Colorado.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-224 Capital-related transfers of money. For the 2021-22 state fiscal year, the act transfers:

- \$191,289,178 from the general fund to the capital construction fund;
- \$110,000,000 from the general fund to the controlled maintenance trust fund to be appropriated in the 2022-23 state fiscal year for controlled maintenance budget requests prioritized by the office of the state architect as level one and level two priority projects;
- \$8,000,000 from the emergency controlled maintenance account to the capital construction fund;
- \$27,040,302 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

S.B. 21-226 General fund reserve - increase. Under current law, the general fund reserve is equal to 2.86% of the amount appropriated for expenditure from the general fund for the fiscal years 2020-21 and 2021-22 and 7.25% of the amount appropriated for the fiscal year 2022-23 and each fiscal year thereafter. The act increases the percentage used to determine the general fund reserve as follows:

- 13.4% for the fiscal year 2021-22; and
- 15% for the fiscal year 2022-23 and each fiscal year thereafter.

APPROVED by Governor May 17, 2021

EFFECTIVE May 17, 2021

S.B. 21-228 PERA payment cash fund - creation - transfer from general fund. The act creates the PERA payment cash fund (fund) and appropriates \$380 million from the general fund to the fund for the 2020-21 state fiscal year. The state treasurer is required to use the

money in the fund for any portion of the \$225 million direct distribution payment to PERA that would have otherwise been paid from the general fund on July 1, 2022, subsequent direct distributions that would have otherwise been paid from the general fund, and any of the state's employer contributions or disbursements.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

H.B. 21-1009 DOLA - division of housing - update of statutory functions - collaboration with other state agencies - development of incentives to promote the state's affordable housing and energy performance objectives - disposition of state-owned assets for affordable housing. The current statutory functions of the division of housing (division) within the department of local affairs include conducting research into new approaches to housing throughout the state. The act expands the list of research subjects to include:

- Transit-oriented development that includes increased housing density near employment, education, and town centers; and
- Advanced energy performance standards that minimize the total building operational costs during the affordability period.

The act expands the list of existing functions of the division to include collaborating with other state agencies to develop incentives that support:

- Local development near transit corridors;
- Increased housing density development within employment, education, and town centers; and
- Energy performance standards that minimize total building operational costs during the affordability period.

The division is required to collaborate with other state agencies in connection with the disposition of state-owned assets to be used for low- and moderate-income housing, and maintain the confidentiality of all names, addresses, and personal identifying information of applicants, recipients, and former recipients of housing assistance. The division is permitted to publish or provide aggregate or de-identified data concerning applicants, recipients, and former recipients of housing assistance to third parties and other governmental entities, and to enter into data-sharing agreements authorizing the transfer of such information subject to certain restrictions. Outdated statutory functions of the division are eliminated.

APPROVED by Governor May 10, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1025 Open meetings law - electronic mail communication. Under current provisions of the Open Meetings Law (OML), if elected officials use electronic mail to

discuss pending legislation or other public business among themselves, the electronic mail constitutes a meeting that is subject to the OML's requirements. The act substitutes the word "exchange" for the word "use" in describing the type of electronic mail communication that triggers the application of the OML.

The act also clarifies existing statutory provisions to specify that electronic mail communication between elected officials that does not relate to the merits or substance of pending legislation or other public business is not a meeting for OML purposes. Under the act, the type of electronic communication that also does not constitute a meeting for OML purposes includes electronic communication regarding scheduling and availability as well as electronic communication that is sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the state or local public body, or posing a question for later discussion by the public body. The act defines the term "merits or substance" to mean any discussion, debate, or exchange of ideas, either generally or specifically, related to the essence of any public policy proposition, specific proposal, or any other matter being considered by the governing entity.

APPROVED by Governor April 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1054 Verification of lawful presence - housing benefit exception. The act creates, unless otherwise required by federal law, a public or assisted housing benefit exception to the requirement that an applicant for federal, state, or local public benefits verify lawful presence in the United States.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

H.B. 21-1060 U visa certification requirements - factors for consideration - completion time frame - prohibitions. To be eligible for U nonimmigrant status (U visa) from the federal government, a requestor must receive a certification form from a certifying official attesting that the person has been the victim of certain criminal activity and has been, is being, or is likely to be helpful to the detection, investigation, or prosecution of the criminal activity. The act sets a required time frame for completion or denial of the certification request and sets forth the factors that may and may not be considered in the certification process. The act also prohibits certain disclosures to immigration authorities and requires law enforcement to provide crime victims with information about the U visa.

APPROVED by Governor May 10, 2021

EFFECTIVE September 1, 2021

H.B. 21-1075 Public contracts - change term illegal alien to worker without authorization. The act replaces the term "illegal alien" with "worker without authorization" as it relates to

public contracts for services.

APPROVED by Governor April 15, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1126 Department of personnel - office of the state architect - central authority for leasing privately-owned property for state purposes. House Bill 14-1387, enacted in 2014, inadvertently removed, through the use of the definition of "real property", the authority of the department of personnel (department) to negotiate and execute leases for state use of privately owned property, including land, office space, buildings, and special use interests. This eliminated a decades-old policy for the department to serve as the central authority to assist state agencies and state institutions of higher education to lease needed office space and other property interests. The department has been operating under custom and practice to keep negotiating and executing such leases since House Bill 14-1387 was enacted.

The act officially reinstates this authority to the office of the state architect in the department, which houses the real estate program. The real estate program is the program responsible for centralized leasing.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

H.B. 21-1152 Capital construction - capitol dome restoration fund - repeal of obsolete fund. The act repeals a provision of law that creates the capitol dome restoration fund, which is obsolete. The capitol dome restoration was a capital project that commenced in 2010 and has since been completed. The statutory sections regarding the capitol dome restoration were repealed in July 2015 but the statute establishing the fund and the necessary transfers of money to the fund were inadvertently left in the statutes. The act addresses that defect.

APPROVED by Governor April 20, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1165 Victim compensation - victims of strangulation - cooperation with law enforcement. A crime victim is entitled to compensation under the "Colorado Crime Victim Compensation Act" if, in part, the victim cooperates with law enforcement officials. The act clarifies that a victim of strangulation satisfies the cooperation requirement by undergoing a medical forensic examination.

APPROVED by Governor May 10, 2021

EFFECTIVE May 10, 2021

HEALTH AND ENVIRONMENT

S.B. 21-93 Advisory committees - healthcare-associated infections and antimicrobial resistance advisory committee - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies in its sunset review of and report on the healthcare-associated infections and antimicrobial resistance advisory committee by extending the committee indefinitely.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021.

S.B. 21-122 Opiate antagonists - bulk purchase - standing orders and protocols - eligible purchasers. Current law allows specific entities to purchase opiate antagonists through the opiate antagonist bulk purchase fund (fund) and also allows specific entities to receive opiate antagonists pursuant to standing orders and protocols. The act aligns these sections of law so that:

- A unit of local government may purchase opiate antagonists through the fund pursuant to a standing order and protocol; and
- A harm reduction organization, law enforcement agency, or first responder to which opiate antagonists have been prescribed or dispensed through a standing order and protocol may purchase the opiate antagonists through the fund.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

H.B. 21-1107 Public health workers - prohibition on dissemination of personal information over the internet- creation of misdemeanor crime - public records. The act makes it unlawful for a person to make available on the internet the personal information of a public health worker if the dissemination of the personal information poses an imminent and serious threat to the public health worker's safety or the safety of the public health worker's family. "Public health worker" is defined in the act to include contractors or employees of contractors of the department of public health and environment or of county or district public health agencies, who are engaged in public health duties, and members of county or district boards of health, other than elected county commissioners. A violation of this law is a class 1 misdemeanor.

Further, a public health worker meeting certain requirements specified in statute may submit a written request to a state or local government official to remove personal information from public records that are available on the internet.

APPROVED by Governor May 18, 2021

EFFECTIVE May 18, 2021

H.B. 21-1119 Suicide - prevention, intervention, postvention. The act broadens the state's priorities and focus on suicide and suicide attempts and the after-effects of those actions on attempt survivors, family, friends, health-care providers, first and last responders, educators, and students in schools where a suicide or suicide attempt has occurred.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1169 Organ transplants - discrimination by health-care providers and transplant decision makers based on disability prohibited - treatment or service for organ transplant - civil actions for injunctive and equitable relief authorized - health care coverage for organ transplant. The act prohibits a health-care provider, hospital, or other entity involved in making a decision regarding a person's eligibility to receive an anatomical gift, organ transplant, or any related treatment or services from discriminating against that person solely on the basis of a disability. The act authorizes an aggrieved person to commence a civil action for injunctive and equitable relief in the appropriate district court.

The act also prohibits a health insurance carrier that provides coverage for an organ transplant from denying or limiting coverage to a covered person for an anatomical gift, organ transplant, or any related treatment or services due to a disability. The act clarifies that a health benefit plan is not required to include coverage for an organ transplant.

APPROVED by Governor May 6, 2021

EFFECTIVE May 6, 2021

HEALTH CARE POLICY AND FINANCING

S.B. 21-123 Canadian prescription drug importation program - expansion of program to include other nations. The act states that the department of health care policy and financing (department) may expand the Canadian prescription drug importation program (program) to allow a manufacturer, wholesale distributor, or pharmacy from a nation other than Canada to export prescription drugs into the state under the program if certain conditions are met. If, upon the satisfaction of these conditions, the department decides to expand the program, the executive director of the department shall notify the president of the senate, the speaker of the house of representatives, and specified legislative committees of the department's intent to do so.

APPROVED by Governor April 26, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-210 Home- and community-based services waiver - elderly, blind, and disabled - electronic monitoring services. The act expands the definition of "electronic monitoring services" to include other remote supports as the definition relates to the home- and community-based services waiver program for the elderly, blind, and disabled.

APPROVED by Governor April 30, 2021

EFFECTIVE April 30, 2021

S.B. 21-211 Medical assistance program - adult dental benefit - appropriation. The act eliminates certain measures that reduce the adult dental benefit.

The act requires the state treasurer to transfer money from the general fund to the unclaimed property trust fund to repay the unclaimed property trust fund for money transferred from it to the general fund in the 2020-21 fiscal year from savings from the reduction of the adult dental benefit in the medical assistance program.

The act appropriates \$1,522,875 to the department of health care policy and financing, of which \$335,723 is from the healthcare affordability and sustainability fee cash fund and \$1,187,152 is from the adult dental fund. The department may use the appropriation for medical and long-term care services for medicaid-eligible individuals.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-212 Primary care services - increased federal financial participation. The act requires the department of health care policy and financing (department), to the extent available and permitted by the federal government and the Colorado constitution, to maximize federal funds for payments for primary care services by aligning payments with the "Colorado Medical Assistance Act".

For the 2021-22 state fiscal year, the general assembly anticipates that the department will receive \$25,330,755 in federal funds to the primary care program to implement the act.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-213 Health care - use of increased federal participation - appropriation adjustments. For fiscal year 2021-22 and any subsequent fiscal years while increased reimbursements and payments associated with the federal public health emergency related to the COVID-19 pandemic are still available, the act specifies that:

- If a provider or a school district submits a certification of public expenditure pursuant to federal law, the provider or school district shall receive federal matching funds in the amount of 50% of the amount certified, and any federal financial participation in excess of 50% of the amount certified must be transferred to the general fund for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% generated from appropriations out of the healthcare affordability and sustainability fee cash fund must be used to offset other general fund appropriations for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% for reimbursements and payments must be transferred from the medicaid nursing facility cash fund to the general fund for the medical assistance program expenditures; and
- The appropriation to the university of Colorado for fee-for-service contracts for health services is reduced by the amount of federal financial participation that exceeds 50%.

The act adjusts the 2021-22 long bill appropriations as follows:

- The general fund appropriation for medical services premiums is decreased by \$57,330,334;
- The appropriation for medical services premiums is reduced by \$10,231,185 from reappropriated funds received from the department of higher education;
- The appropriation for medical services premiums is increased by \$57,330,334, from fund the healthcare affordability and sustainability fee cash fund from the medicaid nursing facility cash fund; and
- The decrease of the appropriation of \$10,231,185 is based on the assumption that the anticipated amount of federal funds received for the 2021-22 state fiscal year by the department of health care policy and financing for medical services premiums will decrease by \$13,127,686.

The act adjusts the 2021-22 long bill appropriations to the department of higher education as follows:

- The general fund appropriation for fee-for-service contracts with state institutions for specialty education programs is decreased by \$10,231,185; and
- The appropriation for the regents of the university of Colorado is reduced by \$10,231,185.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

S.B. 21-214 Hospice providers - residential services - state-only payments - appropriation. The act authorizes a state payment to qualified hospice providers, as defined in the act, that provide hospice services in a licensed hospice facility to persons enrolled in the medical

assistance program who are eligible for care in a nursing facility but who are unable to secure a bed in a nursing facility due to the presence of COVID-19 in the state or for other reasons described in the act. The eligible patient, as defined in the act, must have a hospice diagnosis.

To receive a payment, the qualified hospice provider must provide residential services to an eligible patient during the fourth quarter of the 2020-21 fiscal year or during the 2021-22 fiscal year. The state payment to a qualified hospice provider is limited to not more than 28 days for each eligible patient. The state payment is an amount equal to one-half of the statewide average per diem rate for nursing facilities.

The department of health care policy and financing shall administer the state payment and shall seek input from qualified hospice providers concerning the administration of the payment and the allocation of available appropriations.

For the 2020-21 state fiscal year, the act appropriates \$684,000 of general fund to the department of health care policy and financing to implement the act. Unexpended money is further appropriated for the 2021-22 state fiscal year for the same purpose.

APPROVED by Governor May 4, 2021

EFFECTIVE May 4, 2021

H.B. 21-1187 Long-term services and supports - redesigned case management system. Current law provides for the establishment of a single entry point system that consists of single entry point agencies throughout the state for the purpose of enabling persons 18 years of age or older in need of long-term care to access appropriate long-term care services.

The act requires the state board of the department of health care policy and financing (department) to adopt rules providing for the establishment of a redesigned case management system (system), no later than July 1, 2024, that consists of case management agencies throughout the state for the purpose of enabling individuals in need of long-term care to access appropriate long-term services and supports. No later than December 31, 2021, the department shall work with stakeholders to develop a timeline for the implementation of the system. No later than December 31, 2022, the department shall issue a competitive solicitation in order to select case management agencies for the system.

The act makes conforming amendments to replace the terms "community-centered board" and "single entry point agency" with "case management agency".

APPROVED by Governor May 1, 2021

PORTIONS EFFECTIVE September 7, 2021

PORTIONS EFFECTIVE July 1, 2024

NOTE: This act was passed without a safety clause. The majority of the act takes effect July 1, 2024.

H.B. 21-1190 Health care - definition of "telemedicine". The act amends the definition of "telemedicine" in the "Colorado Medical Practice Act" to state that the term means the delivery of medical services through technologies that are used in a manner that is compliant with the federal "Health Insurance Portability and Accountability Act of 1996", including information, electronic, and communication technologies, remote monitoring technologies, and store-and-forward transfers, to facilitate the assessment, diagnosis, consultation, or

treatment of a patient while the patient is located at an originating site and the person who provides the service is located at a distant site. The act amends and preserves the existing statutory definition of "telemedicine" for purposes of the "Colorado Medical Assistance Act".

APPROVED by Governor May 18, 2021

EFFECTIVE May 18, 2021

HUMAN SERVICES - BEHAVIORAL HEALTH

H.B. 21-1097 Behavioral health administration - creation - timeline - plan. The act addresses multiple recommendations from the Colorado behavioral health task force (task force), created in 2019, related to the creation of a behavioral health administration (BHA). The BHA would be a single state agency to lead, promote, and administer the state's behavioral health priorities.

The act requires the department of human services (department) to submit a plan for the creation of the BHA on or before November 1, 2021, to the joint budget committee and to the department's committees of reference. The act outlines what the plan must, at a minimum, include. The essential duties of the BHA, once established, are set forth.

A timeline is described for the establishment of the BHA in the department and for a future determination of the state department in which the BHA will exist, if different than the department of human services.

APPROVED by Governor April 22, 2021

EFFECTIVE April 22, 2021

H.B. 21-1130 Community transition specialist program. The act expands the community transition specialist program (program) by redefining "high-risk individual" to allow more individuals to access program services. The act also expands facilities that can access program services.

APPROVED by Governor April 20, 2021

EFFECTIVE April 20, 2021

HUMAN SERVICES - SOCIAL SERVICES

S.B. 21-167 Child care centers - inspections - fire or radon - playgrounds - medication on premise. The act eliminates duplicate fire or radon inspections for a child care center that provides child care exclusively to school-age children on the property of a school district, charter school, or institute charter school if a satisfactory inspection was completed within the preceding 12 months.

The act requires an annual inspection of playground facilities on the property where a child care center operates and prohibits a duplicate inspection if a satisfactory inspection was completed within the preceding 12 months.

The act permits the possession and self-administration of medication for asthma, a food allergy, or anaphylaxis if certain requirements are satisfied and if:

- The child is a school-age child enrolled in a child care center that provides child care exclusively to school-age children on the property of a school, district, charter school, or institute charter school; or
- The child is enrolled in a large child care center.

The act provides for staffing flexibility during emergency circumstances, so long as certain requirements are satisfied.

APPROVED by Governor May 13, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-216 Deaf, hard of hearing, and deafblind - auxiliary services - provision in rural areas - cost-recovery mechanism. Section 1 of the act is a nonstatutory legislative declaration stating the critical need for the provision and financing of auxiliary services throughout rural areas of the state. Auxiliary services are aids and services that assist in effective communication with a person who is deaf, hard of hearing, or deafblind.

Section 2 requires the Colorado commission for the deaf, hard of hearing, and deafblind (commission) to arrange for the provision of auxiliary services in rural areas of the state, including the provision of training and outreach regarding the auxiliary services. The commission is required to report annually on the program to the joint budget committee.

Section 3 amends the definition of "entity" regarding entities eligible to apply to the commission for grant money to remove the requirement that a not-for-profit organization must be a community-based organization to be eligible to apply for grant money.

Section 4 directs the public utilities commission to implement a cost-recovery mechanism to support the provision of auxiliary services in rural areas of the state.

APPROVED by Governor April 30, 2021

EFFECTIVE April 30, 2021

S.B. 21-217 Colorado child care assistance program - market rate study. Current law requires the department of human services to contract annually for a market rate study of

provider rates for the Colorado child care assistance program. The act adjusts the contractual and reporting requirement to every 3 years.

APPROVED by Governor May 4, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1018 Adoption assistance agreements - medicaid benefits - adoptive parent payments to nonenrolled providers. So long as it is not prohibited under federal law, the act permits adoptive parents who are parties to an adoption assistance agreement (agreement) to pay for services or items from a provider that is not enrolled in the medical assistance program. The services or items would otherwise be reimbursable under the medical assistance program pursuant to the terms of the agreement.

The adoptive parents must determine if the special needs of the child or youth require items or services from the provider and must enter into a written agreement with the provider in which the adoptive parents agree to bear the cost of the items or services. The adoptive parents shall not seek reimbursement from the adoption assistance program or the medical assistance program after such items and services have been provided and paid for pursuant to the written agreement. Further, a county department of human or social services is not required to cover the cost of the items or services as part of the circumstances of the family or the anticipated needs of the eligible child or youth during subsidy negotiations; however, the act does not preclude consideration of any other family circumstances or anticipated needs for purposes of negotiating adoption assistance.

The act requires the department of health care policy and financing to seek any federal authorization necessary pursuant to the medical assistance program to implement the policy.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1123 CAPS check by DORA and court - notification - prior to appointment of conservator or guardian. The act authorizes the department of human services (state department) to disclose the results of a CAPS check without a court order to:

- A health oversight agency within the department of regulatory agencies (DORA), or a regulator within such a health oversight agency, for the purpose of a regulatory investigation; or
- The court if an individual is petitioning the court for conservatorship or guardianship of an at-risk adult.

The act requires an employer and a current or former employee to provide, upon request of a county department of human or social services and for the purposes of an investigation into an allegation of mistreatment, the professional license number issued by DORA for the employee who holds a health-care provider or health-care occupation license and who, as a result of the investigation, is substantiated in a case of mistreatment of an at-risk adult.

Current law requires the state department to promulgate rules to establish a process at the state level by which a person who is substantiated in a case of mistreatment of an

at-risk adult may appeal the finding to the state department. The act requires the state department to promulgate rules to address the process to share information on the outcome of an appeal with a health oversight agency within DORA, or a regulator within such health oversight agency, if the health oversight agency or its regulator requests information for the purpose of a regulatory investigation. Appeal information is confidential and used only for the regulatory investigation.

Beginning January 1, 2022, the state department shall provide the court the results of a CAPS check, upon the court's request, to determine if the person is substantiated in a case of mistreatment of an at-risk adult.

The act requires the state department to promulgate rules that address:

- The process for the state department to notify a health oversight agency within DORA or a regulator within such health oversight agency when a professional regulated by a regulator within such health oversight agency is substantiated in a case of mistreatment of an at-risk adult; and
- The information that will be made available to a health oversight agency within DORA or a regulator within such health oversight agency for the purpose of conducting a regulatory investigation.

A person who may be appointed as a conservator or guardian of an at-risk adult who knowingly provides inaccurate information to the court for a CAPS check commits a class 1 misdemeanor.

Beginning January 1, 2022, prior to appointing a person as a conservator or guardian of an at-risk adult, the court shall request a CAPS check by the state department to determine if the person is substantiated in a case of mistreatment of an at-risk adult. Within 7 calendar days after the date of the court's request, if the person has been substantiated in a case of mistreatment of an at-risk adult, the state department shall provide the court with information concerning the mistreatment, unless the finding was expunged through a successful appeal to the state department. The state department shall disclose to the court that the person substantiated in a case of mistreatment of an at-risk adult has the right to initiate an appeal of the substantiated finding within the time frame set forth in state department rules. If the appeal is active, the state department shall inform the court that such appeal is active. The court shall have the discretion to consider the results of the CAPS check and determine the weight of the information and its probative value. Nothing delays or precludes the court's appointment of an emergency guardian or conservator of an at-risk adult, regardless of the timing of the state department's notification of the CAPS check results.

The act requires the state department to notify the court within 7 calendar days after a substantiated finding of mistreatment by a person appointed as a conservator or guardian for an at-risk adult is subsequently entered into CAPS.

The act requires the state department to notify a health oversight agency within DORA or a regulator within such health oversight agency within 10 calendar days after a substantiated finding of mistreatment by a professional regulated by DORA. Any information provided to a health oversight agency is confidential. A health oversight agency shall have the discretion to consider the results of the CAPS check and determine the weight of the information and its probative value.

The act requires a licensee, certificate holder, or registrant substantiated in a case of mistreatment of an at-risk adult to provide the person's professional license number to county adult protective services.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

INSURANCE

S.B. 21-90 Health insurance - small employers - health benefit plans - renewal. The act clarifies that if a small employer has been issued a health benefit plan subject to small group insurance laws and rules, and then following the issuance date subsequently employs more than 100 employees, the small group insurance laws and rules continue to apply to the plan as long as the employer renews the current health benefit plan. If the employer opts to renew its current plan, the act requires an insurance carrier to offer the employer the same small group health benefit plan or, if the same plan is no longer available, a similar plan that the carrier offers to other small employers.

The act requires an insurance carrier to notify the employer that the small group insurance laws and rules will no longer apply if the employer fails to renew the current plan or elects to enroll in a different health benefit plan.

APPROVED by Governor March 25, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-139 Dental care services - telehealth - mandatory coverage. The act requires each dental plan issued, amended, or renewed in this state to cover services offered to a covered person through telehealth. The act also requires the state's medical assistance program to reimburse providers for dental care services provided through telehealth.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1013 Regulation of insurance companies - division of a domestic stock insurer permitted - plans of division required - approval by commissioner of insurance - appropriation. The act states that a domestic stock insurer (dividing insurer) may divide into 2 or more resulting insurers pursuant to a plan of division. A plan of division must include:

- The name of the dividing insurer;
- The name of each resulting insurer created by the proposed division and, for each resulting insurer, a copy of proposed articles of incorporation and proposed bylaws;
- The manner of allocating assets and liabilities, including policy liabilities, between or among all resulting insurers;
- The manner of distributing shares in the resulting insurers to the dividing insurer or the dividing insurer's shareholders;
- A reasonable description of all liabilities and all assets that the dividing insurer proposes to allocate to each resulting insurer, including the manner by which the dividing insurer proposes to allocate all reinsurance contracts;
- All terms and conditions required by the laws of this state and the articles of incorporation and bylaws of the dividing insurer; and
- All other terms and conditions required by the division.

A plan of division must include additional provisions, the nature of which depends on whether the dividing insurer will survive the division.

A dividing insurer shall file a plan of division with the commissioner of insurance

(commissioner) only after the plan of division has been approved in accordance with all provisions of the dividing insurer's articles of incorporation and bylaws. The commissioner shall approve the plan of division if, after considering certain criteria, the commissioner finds that certain requirements are met. If the commissioner approves a plan of division, an officer or duly authorized representative of the dividing insurer shall sign a certificate of division that sets forth certain information concerning the division.

The act establishes procedures for amending and abandoning plans of division.

The act provides for the protection of confidential information, documents, and materials that are submitted to, obtained by, or disclosed to the commissioner in connection with a plan of division or in contemplation of a plan of division.

For the 2021-22 state fiscal year, the act appropriates \$10,729 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1063 Reinsurance - credit for extraterritorial assuming insurer. Federal law preempts the extraterritorial application of state credit for reinsurance law but permits a state to enact reinsurance collateral reforms on an individual basis if the state is accredited. The act enacts a model law adopted by the National Association of Insurance Commissioners (NAIC), which is necessary to maintain the continued accreditation of the Colorado division of insurance with the NAIC and makes Colorado's reinsurance statutes substantially similar to those found in other states. The model law specifies the grounds upon which a domestic insurer can get credit in Colorado for reinsurance provided by an assuming insurer that is domiciled in an extraterritorial jurisdiction and thereby avoids federal preemption that would otherwise occur by 2022.

APPROVED by Governor April 19, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

LABOR AND INDUSTRY

S.B. 21-96 Workers' compensation - workers' classification appeals board - continuation under sunset law - members. Current law requires the commissioner of insurance (commissioner) to appoint 2 members to the workers' compensation classification appeals board who are salaried employees of an insurance company that issues workers' compensation insurance policies in this state or who are representatives of Pinnacol Assurance, but both members may not be representatives of Pinnacol Assurance or of the same insurance company.

The act requires the commissioner to appoint:

- One member who is a salaried employee of an insurance company or a representative of Pinnacol Assurance; and
- One member who is a salaried employee of an insurance company, a representative of Pinnacol Assurance, or an insurance agent.

The act maintains the prohibition against appointing a representative of Pinnacol Assurance or of the same insurance company to both positions on the board. The act also gives the commissioner the option to appoint an insurance agent to serve as an alternate member if one of the appointed members recuses himself or herself. The act continues the workers' compensation classification appeals board until 2032.

APPROVED by Governor April 15, 2021

EFFECTIVE April 15, 2021

S.B. 21-218 Employment and training technology fund - allocations to and from fund - cap on cumulative revenue - transfer to unemployment compensation fund - future repeal of allocation to fund. Under current law, revenue from an assessment on employers' unemployment insurance premiums, not to exceed \$10 million per year and not to exceed cumulative revenue of \$100 million, is allocated to the employment and training technology fund (technology fund) in the division of unemployment insurance (division) in the department of labor and employment to fund employment and training automation initiatives established by the director of the division. Any amount of revenues from the assessment that exceeds the \$10 million annual cap or the \$100 million cumulative revenue cap is allocated to the unemployment compensation fund. Additionally, if the balance in the unemployment compensation fund falls below \$100 million, the balance in the technology fund is allocated to the unemployment compensation fund.

The act:

- Eliminates the allocation of the technology fund balance to the unemployment compensation fund when the unemployment compensation fund balance falls below \$100 million;
- Eliminates the \$10 million cap on annual allocations to the technology fund and adds a new \$7 million annual cap starting July 1, 2023;
- Adds a cap of \$31 million on cumulative revenue to the technology fund until June 30, 2023;
- Transfers any amounts credited to and remaining in the technology fund between July 1, 2020, and the effective date of the act to the unemployment compensation fund; and

- Repeals the assessment for the technology fund on June 30, 2031.

APPROVED by Governor April 27, 2021

EFFECTIVE April 27, 2021

H.B. 21-1204 Common paymaster - employee leasing company exception - medical or retail marijuana business - employment security act. Current law states that a common paymaster is not a single employing unit for purposes of considering the services performed by another employing unit subject to a single or common payroll. The act creates an exception for an employee leasing company or other employing entity that is owned by one or more persons who have a medical or retail marijuana license and who own at least 50% of an entity that shares the employee leasing company's or other employing entity's services. The employee leasing company or other employing entity is not considered a common paymaster for the purposes of the "Colorado Employment Security Act".

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

H.B. 21-1207 Workers' compensation - overpayment of benefits - definition - credits against overpayments - reopening an award. The act defines "overpayments" of workers' compensation benefits as money received by a claimant that:

- Is a result of fraud;
- Is the result of an error due only to miscalculation, omission, or clerical error asserted in a new admission of liability;
- Is paid in error or in excess of an admission or order that exists at the time that the benefits are paid to a claimant; or
- Results in duplicate benefits as specified in the act.

The act also:

- Clarifies that these limitations on overpayments do not prevent an insurance carrier or employer from receiving a credit against permanent disability benefits for temporary disability benefits paid beyond the date of maximum medical improvement and do not prevent the director of the division of workers' compensation or an administrative law judge from determining overpayments and requiring repayment of overpayments; and
- Prohibits the director or an administrative law judge from reopening an award of benefits paid to a claimant due to an overpayment except in limited, specific circumstances.

APPROVED by Governor May 17, 2021

EFFECTIVE January 1, 2022

MILITARY AND VETERANS

S.B. 21-26 LGBT veteran status - state veteran benefit eligibility. The act establishes a "discharged LGBT veteran" status for the purposes of Colorado law. A person is a discharged LGBT veteran if the person was discharged from the armed services due to:

- The person's sexual orientation, gender identity, or gender expression;
- Statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity, or gender expression unless the statements, conduct, or acts are prohibited by the uniform code of military justice on grounds other than the person's sexual orientation, gender identity, or gender expression; or
- The disclosure of statements, conduct, or acts relating to sexual orientation, gender identity, or gender expression that were prohibited by the armed services at the time of discharge.

A person who received a dishonorable discharge, bad conduct discharge, or, if the person was an officer, a dismissal from the armed services is not eligible to be a discharged LGBT veteran.

Pursuant to a process established by the division of veterans affairs, the board of veterans affairs determines whether a person qualifies as a discharged LGBT veteran. This determination does not change the veteran's official character of discharge on the veteran's discharge paperwork, nor does it affect a person's eligibility for federal veterans programs or benefits. The act amends various existing state programs and benefits to make a discharged LGBT veteran eligible for those programs and benefits.

APPROVED by Governor April 19, 2021

EFFECTIVE November 11, 2021

NOTE: This act was passed without a safety clause.

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 21-84 Local governments - roughed-in roads - authority to prohibit operation of motor vehicles and off-highway vehicles. The act authorizes local governments to prohibit the operation of motor vehicles or off-highway vehicles on roughed-in roads, which are areas where the ground has been cut with the intention to make a road but has not been improved enough to qualify as a road.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1138 Off-highway vehicles - unlawful operation on public streets, roads, and highways. The act clarifies that it is unlawful to operate an off-highway vehicle on the public streets, roads, or highways of the state, regardless of the state or other jurisdiction in which the off-highway vehicle is registered or titled, except under certain existing exceptions.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1193 Supplemental restraint system components - deceptive trade practices - prohibitions related to installation or reinstallation. The act makes it a deceptive trade practice for a person to knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install, or reinstall a device intended to replace a supplemental restraint system component if the device is:

- A counterfeit supplemental restraint system component;
- A nonfunctional airbag; or
- Any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model, and year of the motor vehicle in which it is or will be installed.

The act also prohibits a motor vehicle repair facility or any employee or contract laborer of the facility from installing or reinstalling any device that causes the motor vehicle's diagnostic systems to fail to warn that:

- The motor vehicle is equipped with a counterfeit supplemental restraint system component;
- The motor vehicle is equipped with a nonfunctional airbag; or
- No airbag is installed.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1218 Special license plates - professional fire fighters. With regard to the Colorado professional fire fighters special license plate, the act:

- Reduces from 20 years to 15 years the length of time an organization must be in existence to qualify to issue the license plate; and

- Specifies the evidence an organization is to submit to demonstrate compliance with the requirement that an organization have at least 3,000 members residing in Colorado.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

NATURAL RESOURCES

S.B. 21-54 General fund - transfers to cash funds - wildfire response. The act requires the state treasurer to transfer \$6 million from the general fund to the forest restoration and wildfire risk mitigation grant program cash fund.

The state treasurer is also required to transfer \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management in the department of public safety is required to use this money:

- As the state match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and
- To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.

The state treasurer is also required to transfer \$4 million from the general fund to the Colorado water conservation board construction fund. This money is appropriated to the board for the watershed restoration program to support post-fire recovery and mitigation efforts.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 21-75 Supported decision-making agreements. The act allows an adult with a disability (adult) to voluntarily enter into a supported decision-making agreement (agreement) with one or more members of the supportive community. Under the agreement, the adult may request the member of the supportive community to do any of the following:

- Provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the adult's life decisions, without making those decisions on behalf of the adult;
- Assist the adult in accessing, collecting, obtaining, and understanding information that is relevant to a given life decision from any person; and
- Assist the adult in communicating the adult's decisions to appropriate persons when expressly authorized by the adult.

The agreement may be in any form but is only valid if it contains certain information and is voluntarily signed by the adult and each member of the supportive community in the presence of 2 or more attesting and disinterested witnesses who are 18 years of age or older, or a notary public.

The act requires any person who receives the original or a copy of the agreement to rely on the agreement. A person is not subject to criminal and civil liability and does not engage in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on an agreement.

APPROVED by Governor April 26, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-171 Fiduciaries - Uniform Fiduciary Income and Principal Act. The act repeals the "Uniform Principal and Income Act" and replaces it with the "Uniform Fiduciary Income and Principal Act" (UFIPA), as drafted by the Uniform Law Commission, with Colorado-specific amendments.

The UFIPA includes provisions concerning:

- Duties of fiduciaries;
- Judicial review of fiduciaries;
- Trusts in which the beneficiary receives a periodic payout of a percentage of the net value of trust assets, known as "unitrusts";
- Allocation of trust receipts and disbursements; and
- Procedures followed at the termination of a trust or an income interest in a trust.

APPROVED by Governor May 17, 2021

EFFECTIVE January 1, 2022

NOTE: This act was passed without a safety clause.

S.B. 21-195 Medical treatment declarations - anatomical gift record - execution - notarization. Under existing law, a declaration made pursuant to the "Colorado Medical

Treatment Decision Act" must be signed in the presence of 2 witnesses. The act permits the declaration to be witnessed, as described in existing law, or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

A donor may make an anatomical gift by a donor card or other record signed by the donor. If the donor is physically unable to sign a record, the record may be signed by another individual at the direction of the donor and be witnessed by at least 2 adults, at least one of whom is a disinterested witness. The act permits the record of a person unable to sign to be witnessed, as described in existing law, or acknowledged before a notary public or other individual authorized by law to take acknowledgments.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1004 Colorado Uniform Electronic Wills Act. The act enacts the "Colorado Uniform Electronic Wills Act", which declares that an electronic will is a will for all purposes of Colorado law. The act specifies the requirements for:

- Executing and revoking an electronic will;
- Simultaneously executing, attesting, and making an electronic will; and
- Certifying a paper copy of an electronic will.

APPROVED by Governor January 21, 2021

EFFECTIVE January 21, 2021

PROFESSIONS AND OCCUPATIONS

S.B. 21-3 Occupational therapy practice act - continuation under sunset law - scope of practice - protected titles - grounds for discipline. The act recreates, with amendments, the "Occupational Therapy Practice Act" (Act), which repealed September 1, 2020. Specifically, the act:

- Recreates and extends the Act for 9 years, until 2030;
- Modifies the legislative declaration and definitions related to the scope of practice of occupational therapy;
- Designates "occupational therapy consultant", "M.O.T.", "M.O.T./L.", "occupational therapy assistant", "O.T.A.", and "C.O.T.A." as protected titles and clarifies that individuals who legally practice temporarily as occupational therapists in Colorado may use protected titles;
- Reorders and amends certain provisions concerning examinations and applications for licensure by occupational therapists and occupational therapy assistants; and
- Adds certain prohibited behaviors as grounds for discipline.

APPROVED by Governor January 21, 2021

EFFECTIVE January 21, 2021

S.B. 21-6 Mortuary science - natural reduction. The act authorizes human remains to be converted to soil using a container that accelerates the process of biological decomposition, also known as "natural reduction". Natural reduction is added to the statutes that regulate funeral establishments, and this addition will result in the regulation of the natural reduction process. But the definitions of "cremation" and "mortuary science practitioner" are amended so that a practitioner of natural reduction is not regulated as a cremationist or mortuary science practitioner.

The act allows the disposal of abandoned naturally reduced remains if the remains are not claimed within 180 days after natural reduction.

The act prohibits the following when done in the course of business:

- Selling or offering to sell the soil;
- Commingling the soil of more than one person without the consent of the person or persons with the right of final disposition unless the soil is abandoned;
- Commingling the human remains of more than one person without the consent of the person or persons with the right of final disposition within the container wherein natural reduction produces soil; or
- Using the soil to grow food for human consumption.

Colorado law has various provisions that deal with burial, cremation, interment, and entombment. In connection with authorizing natural reduction, the act replaces these terms with the phrase "final disposition", which term is defined to include natural reduction. The act updates the following types of provisions to reflect the option to use natural reduction:

- Life insurance statutes;
- Preneed funeral insurance contracts;
- The "Mortuary Science Code";

- Funeral picketing statutes;
- Litigation damages;
- The "Colorado Probate Code";
- The "Disposition of Last Remains Act";
- The "Revised Uniform Anatomical Gift Act";
- Missing person reports for unidentified human remains;
- Public peace and order statutes;
- Vital statistics statutes;
- The "Colorado Medical Assistance Act";
- The "Colorado Human Services Code";
- The "Colorado Public Assistance Act"; and
- Firefighter pension plans.

APPROVED by Governor May 10, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-40 Driver's history - licensing, registration, and certification - discipline. The act limits the conditions under which the appropriate regulatory authority in the department of revenue and the department of regulatory agencies may use a driver's history to make certain decisions about a license, permit, certification, or registration that is necessary to practice an occupation or profession or to operate a business. Felonies and misdemeanors are excluded from the meaning of "driver's history".

The decisions that are limited by the act concern:

- Issuing, renewing, reinstating, or reactivating the license, permit, certification, or registration; and
- Taking disciplinary action against the holder of the license, permit, certification, or registration.

The events in a driver's history used to make these decisions may be used only if the event is relevant to the profession or occupation and:

- The profession or occupation involves driving;
- The event is a part of a pattern of behavior; or
- The event occurred within 3 years before the person applied for the license, permit, certification, or registration or the act upon which the discipline is based.

APPROVED by Governor April 26, 2021

EFFECTIVE

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 21-92 Surgical assistants and surgical technicians - continuation of regulation under sunset law - waiting period before reapplying for registration - letters of admonition - confidential letters of concern - confidential agreements to limit practice - grounds for discipline. The act implements the recommendations of the department of regulatory agencies (department) in its sunset review and report on the surgical assistants and surgical technologists registration program. Specifically, the act:

- Continues the registration of surgical assistants and surgical technologists for 7 years, until 2028;
- Requires a surgical assistant or surgical technologist whose registration is revoked or who has surrendered a registration in lieu of disciplinary action to wait 2 years before reapplying for registration and authorizes the director of the division of professions and occupations within the department (director) to issue letters of admonition and confidential letters of concern to surgical assistants and surgical technologists;
- Allows the director to enter into confidential agreements with surgical assistants or surgical technologists to limit practice based on an illness or other health condition that affects the ability to safely practice the profession; and
- Clarifies that a registrant may be disciplined for failing to notify the director of the limitations created by an illness or other health condition, act within such limitations, or act within the limitations imposed under a confidential agreement with the director to limit practice. The act also adds the following as grounds for discipline:
 - Habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance;
 - Failing to notify the director within 30 days of any disciplinary action;
 - Failing to respond to a complaint against the registrant in a materially responsive and timely manner within 30 days after receiving the complaint;
 - Practicing outside the scope of the practice of a surgical assistant or surgical technologist; and
 - Failing to satisfy generally accepted standards of practice as a surgical assistant or surgical technologist.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

S.B. 21-97 Health-care professions and occupations - medical transparency - disclosure of information about health-care providers - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies' sunset review and report concerning the "Michael Skolnik Medical Transparency Act of 2010" to continue the act for 7 years, until 2028.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

S.B. 21-102 Dental hygienists - placement of interim therapeutic restoration and application of silver diamine fluoride - continuation under sunset law - communication between a dental hygienist and a dentist for prescribing - experience required to place interim therapeutic restoration - dentist supervision using telehealth - technology that may be used in telehealth supervision. The act continues the ability of dental hygienists to place interim therapeutic restorations (ITR) and apply silver diamine fluoride (SDF) until September 1, 2025, to align with the sunset review of the Colorado dental board (board).

The act also:

- Relocates the statutory language granting dental hygienists the authority to apply SDF;

- Specifies the requirements of an articulated plan between a dental hygienist and a collaborating dentist for purposes of dental hygienist prescribing;
- Repeals the requirement that a dental hygienist carry professional liability insurance to place ITR or apply SDF because the requirement exists in another provision of the "Dental Practice Act" that applies to all dental hygienists;
- Removes language specifying the timeline for communication with a distant dentist when using telehealth;
- Removes language specifying the number of hours of experience a dental hygienist is required to obtain before the board may grant the dental hygienist a permit to place ITR;
- Requires a dentist who collaborates with a dental hygienist in ITR placements using telehealth supervision to have an active license issued by the board and have a practice location that is either in Colorado or within reasonable proximity of the location where the ITR is placed;
- Requires the board to develop a waiver process to allow dentists to supervise more than 5 dental hygienists who place ITR; and
- Removes language regarding "store-and-forward transfer" technology to allow both synchronous and asynchronous technology when dental hygienists use telehealth in ITR placements and SDF applications.

APPROVED by Governor April 15, 2021

EFFECTIVE September 1, 2021

H.B. 21-1146 Acupuncture - auricular acudetox - professional practice. In 2020, the general assembly repealed the requirement in the mental health practice act that a professional must be licensed, registered, or certified as a mental health professional in order to practice auricular acudetox. The act makes a conforming amendment to clarify that it is not an unlawful act for a professional who is trained to perform auricular acudetox to perform the practice without a license, registration, or certification as a mental health professional.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

H.B. 21-1147 Architects - continuing education - simplification of requirements. The practice act for professional architects directs the department of regulatory agencies to adopt rules establishing requirements for continuing education and also requiring an architect to demonstrate retention of the material presented in the continuing education program or course.

The act removes the material retention requirement, allowing an architect to renew a license upon demonstrating compliance with the continuing education requirement alone.

APPROVED by Governor April 29, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

PROPERTY

H.B. 21-1167 Construction - contractors and subcontractors - retainage limitation - applicability. The act prohibits a property owner from withholding from a contractor more than 5% of the price of completed work to ensure the work is satisfactorily completed. The contractor and subcontractors are also prohibited from withholding more than 5% from subcontractors and suppliers. The act also clarifies that these prohibitions do not apply to other types of contractual conditions made before payment is due.

The contract may require lien waivers to be executed before payment is made.

The act applies to:

- A contract between a property owner and a contractor that has a price of at least \$150,000; and
- A subcontract or supply agreement to such a contract.

The act does not apply to a single contract that governs:

- The building of:
 - A single-family dwelling;
 - A multifamily dwelling with 4 or fewer family dwelling units; or
- A contract with a public entity.

APPROVED by Governor May 17, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

PUBLIC UTILITIES

H.B. 21-1052 Renewable energy standard - eligible energy resources - recycled energy - pumped hydroelectricity. The act removes the existing restriction on pumped hydroelectric facilities as a source of recycled energy, which is included in the definition of an eligible energy resource under the renewable energy standard statute, and instead includes any pumped hydroelectric facility under 15 megawatts that:

- Does not combust fossil fuel to pump water;
- Is not located on a natural waterway;
- Includes measures to prevent fish mortality in the facility;
- Does not impact any decreed in-stream flow; and
- Does not cause any violation of state water quality standards when operated.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1131 Cooperative electric associations - transparency - board of directors elections - board members. The act:

- Makes current laws concerning governance and transparency for cooperative electric associations (associations) applicable to nonprofit generation and transmission cooperative electric associations that provide wholesale electric service directly to Colorado cooperative electric associations that are its members;
- Eliminates an exemption to those requirements for associations with fewer than 25,000 members;
- Allows an association to authorize, in its bylaws, its members and directors to participate in meetings electronically;
- Allows an association to authorize, in its bylaws, members to vote in an election through a secure and verifiable electronic voting system;
- Clarifies that members voting or participating in a meeting electronically are considered present in person for the purpose of establishing quorum;
- Defines joint memberships and clarifies how joint memberships can vote;
- Amends the deadlines and requirements for notice of an election;
- Requires an association to adopt written policies concerning the compensation of board members and disclosures of conflicts of interest for board members;
- Requires board members to fulfill their duty of loyalty to the cooperative association at all times; except that, if a director serves on the board of both a generation and transmission association and a distribution association, the director owes fiduciary duties to both associations and shall not be required to give priority to the duties the director owes to one association over the duties the director owes to the other association; and
- Requires associations to post on their websites information about their rates and net metering requirements and to make financial audits available to members on request.

APPROVED by Governor April 29, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

REVENUE - ACTIVITIES REGULATION

S.B. 21-111 Office of economic development and international trade - program to support entrepreneurs in the marijuana industry - social equity licensees. The act creates a program in the office of economic development and international trade (OEDIT) to support entrepreneurs in the marijuana industry, which will primarily assist social equity licensees, as that term is used in the "Colorado Marijuana Code". The program consists of:

- Loans to social equity licensees for seed capital and ongoing business expenses;
- Grants to social equity licensees to support innovation and job creation and organizations that support marijuana businesses to be used to support innovation and job creation of social equity licensees; and
- Technical assistance for marijuana business owners, prioritizing social equity licensees who have been awarded a loan or grant through the program.

OEDIT is authorized to directly administer the program itself or through one or more partner entities. In consultation with other relevant state agencies, industry experts, and other stakeholders, OEDIT is required to establish policies setting forth the parameters and eligibility for the program. OEDIT is required to consult with the Colorado economic development commission regarding the administration of the program. OEDIT is also required to submit a report by July 1 of 2022 and 2023 to the governor and legislative committees detailing program expenditures.

The program is initially funded with a \$4 million transfer from the marijuana tax cash fund to the newly created marijuana entrepreneur fund, from which the money is continuously appropriated to OEDIT for the program. OEDIT may use some of this money for the program's administrative expenses. Beginning with the fiscal year 2022-23, the general assembly may appropriate additional money from the marijuana tax cash fund to the marijuana entrepreneur fund.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-133 Alcohol beverages - club licensees - commingling alcohol beverages purchased for a special event with alcohol beverages in inventory. The act authorizes a person with a club license (licensee) that allows the sale of alcohol beverages by the drink to members of the club and their guests for consumption on the premises of the club to commingle any alcohol beverages purchased by the licensee for the purpose of a special event with alcohol beverages in the licensee's inventory.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1178 Marijuana code - technical fixes. The act corrects citations in the marijuana code and grammatical and wording issues.

APPROVED by Governor May 10, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

STATUTES

S.B. 21-68 Enactment of Colorado Revised Statutes 2020. The act enacts the softbound volumes of the Colorado Revised Statutes 2020, the 2020 Colorado Special Supplement of Voter Approved Changes, and the 2020 Colorado Special Session Supplement as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 25, 2021

EFFECTIVE March 25, 2021

TAXATION

S.B. 21-19 Property tax - notices of valuation - authority to mail on postcard. The act allows assessors to mail abbreviated notices of valuation on a postcard for property tax purposes, and specifies the minimum information that must be included on the postcard.

The act applies to notices of valuation required to be mailed no later than May 1, 2021.

APPROVED by Governor March 21, 2021

EFFECTIVE March 21, 2021

S.B. 21-65 Gasoline and special fuels tax - disclosure of information - gasoline distributors. The act allows the executive director of the department of revenue to disclose information relevant to an assessment of a gasoline distributor for the failure to make the required sworn statement and pay the tax for any calendar month or for a gasoline distributor filing an incorrect or fraudulent statement or return for any calendar month. The executive director may only disclose this information to taxpayers with cases involving common or related issues of fact or law. Taxpayers are limited in the use and disclosure of this information.

The act also requires, upon written request by a local government official, a gasoline distributor to disclose certain records to local government officials related to an alleged violation of the administration of the gasoline and special fuels tax.

APPROVED by Governor March 21, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

S.B. 21-130 Property tax - business personal property exemption - local authority. The act allows counties, municipalities, and special districts to exempt up to 100% of business personal property from the levy and collection of property taxation for the 2021 property tax year.

APPROVED by Governor April 29, 2021

EFFECTIVE April 29, 2021

S.B. 21-145 Income tax - tax check-offs - extension. The voluntary contribution to the Colorado healthy rivers fund, the Alzheimer's Association fund, the military family relief fund, the Colorado cancer fund, the Make-A-Wish Foundation of Colorado fund, and the unwanted horse fund are currently scheduled to appear on the state income tax return form for income tax years beginning prior to January 1, 2021. The act reauthorizes the funds to remain on the form, so long as the funds meet the existing statutory requirement that a voluntary contribution fund must receive at least \$50,000 in contributions each tax year.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1002 Income tax - subtractions from federal taxable income - expansion of the earned income tax credit - appropriation. Sections 1 and 3 of the act restore, over time, certain business deductions to federal taxable income that were disallowed in Colorado by operation of a department of revenue rule and by House Bill 20-1420. The specific deductions are related to net operating losses, the application of the federal excess business loss rules, interest expenses, and qualified improvement property.

The earned income tax credit is equal to a percentage of the federal earned income tax credit. Section 2 allows taxpayers filing with an individual taxpayer identification number to claim the earned income tax credit for income tax years commencing on or after January 1, 2020.

APPROVED by Governor January 21, 2021

EFFECTIVE January 21, 2021

H.B. 21-1061 Property tax - residential real property - classification of a contiguous, identically owned parcel. The act modifies the definition of the term "residential land" for the purpose of property tax classification. Currently, a parcel of land without a residential improvement is classified as residential land if it is contiguous with a parcel of land under common ownership upon which a residential improvement is located and if it is used as a unit in conjunction with the residential improvements located thereon. The act modifies classification for this type of parcel by:

- Requiring the parcel to have the identical owner as the adjacent parcel based on the record title;
- Requiring the parcel to have a related improvement that is essential to the use of a residential improvement located on the identically owned contiguous residential land; and
- Specifying that contiguity in this instance is not interrupted by an intervening local service street, alley, or common element in a common-interest community.

The act also removes from the definition parcels of land in a residential subdivision, the exclusive use of which land is established by the ownership of such residential improvements.

APPROVED by Governor April 27, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1083 Taxable property valuation - valuation appeal. Under current law, when a property owner appeals the valuation of property set by a county board of equalization, the valuation may not be increased on appeal. The act removes this restriction.

APPROVED by Governor April 7, 2021

EFFECTIVE April 7, 2021

H.B. 21-1153 Income tax - enterprise zones - child care contribution credit. The act repeals the enterprise zone child care contributions income tax credit that was available for income

tax years commencing prior to January 1, 1999.

APPROVED by Governor May 10, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1154 Income tax - in-kind child care contribution credit. House Bill 00-1351, enacted in 2000, removed the provision permitting a child care contribution income tax credit for an in-kind contribution. Accordingly, the act removes all references in the statute to an in-kind contribution. The act also repeals an obsolete provision that was only applicable to the income tax year that commenced on or after January 1, 1999, but prior to January 1, 2000.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1155 Sales and use tax - defects and anachronisms in statute. Section 1 of the act changes the cross references to certain definitions related to bingo that were relocated as a result of Senate Bill 17-232. The statutory references were not correctly changed for purposes of the bingo equipment sales and use tax exemption. This section addresses that defect.

Section 2 removes the words "low-emitting" from the description of a sales tax exemption because the exemption is no longer conditioned on the motor vehicle being "low-emitting".

Section 3 corrects a missed conforming amendment. House Bill 20-1023 provided for the conditional repeal of section 39-26-105.3, C.R.S., to be effectively replaced with section 39-26-105.2, C.R.S. Section 39-26-204.5, C.R.S., a use tax statute, makes reference to section 39-26-105.2, C.R.S., but a conforming amendment to that section was not included in House Bill 20-1023. Section 3 adds the same conditional repeal to the use tax statute and provides the same hold harmless for retailers as is provided in section 39-26-105.2, C.R.S.

Section 4 addresses an anachronism in the sales tax statutes by repealing section 39-26-110, C.R.S. That statute specifies that a retailer doing business in 2 or more locations in Colorado may file one return that will cover all business locations. This statute was added as part of the "Emergency Retail Sales Tax Act of 1935" and has not been amended since, only moved around. With the advent of home rule taxing jurisdictions that can collect and administer their own sales and use tax, it is no longer possible that retailers doing business in more than one location in Colorado can file only one return to report all sales and use taxes collected because the department of revenue no longer administers all sales and use taxes in the state.

Section 5 addresses a defect in the sales tax statute by updating the statutory reference for the definition of "food" for purposes of a sales tax exemption for certain types of food. The definition of food is no longer located in 7 U.S.C. sec. 2012 (g). It is better to include a more general cross reference to all of 7 U.S.C. sec. 2012 instead of the specific subsection (g), which is now incorrect. A more general reference allows for later amendments to that

section.

APPROVED by Governor May 7, 2021

EFFECTIVE May 7, 2021

H.B. 21-1157 Department of revenue - scope of department administration. Section 39-21-102, C.R.S., accurately specifies the scope and applicability of article 21 of title 39, C.R.S., and establishes all the taxes that the department of revenue is responsible for administering. However, sections 39-21-119 and 39-21-120, C.R.S., attempt to reference similar lists of taxes in order to specify authorized methods of filing and paying the taxes. Unfortunately, some of the tax types are omitted in these sections, making these sections defective. The act removes the references to the tax types in sections 39-21-119 and 39-21-120, C.R.S., so that section 39-21-102, C.R.S., controls instead.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1158 Sales and use tax - agriculture and livestock - farm equipment and special fuels. The act removes an unused definition of "agricultural compounds" and a redundant reference to a sales and use tax exemption for poultry and livestock. The act also reorganizes special fuel and farm equipment sales and use tax exemptions so that they are in the same location.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1177 Sales and use tax - add corresponding use tax exemptions to certain existing sales tax exemptions. All of the current law sections presented in the act provide sales tax exemptions for specific items. None of the sales tax exemptions in the act authorize corresponding use tax exemptions. As a result, an item could conceivably become subject to use tax the instant the tax-exempt sale occurs. Most statutory sales tax exemptions have corresponding use tax exemptions to prevent this. Consequently, the act addresses defects in statute by clarifying that an item that is subject to a sales tax exemption is actually exempt from both sales and use tax and makes those statutory sections compatible with the fundamental principles of use tax and Colorado supreme court decisions on the subject.

APPROVED by Governor April 22, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

TRANSPORTATION

H.B. 21-1066 Modification of monthly financial reporting requirements. The act modifies monthly financial reporting requirements for the department of transportation to:

- Require the department to include in the monthly report that it submits to the state controller:
 - Sufficient financial information for the controller to complete a review of legal overexpenditures, any deficit fund balances, and a budget to actual report for all budget lines within the annual general appropriations act; and
 - Any additional information that is deemed reasonable and necessary by the controller; and
- Require the department to submit a monthly budget report to the transportation commission of the expenditures made from each budget category and the unexpended and unencumbered balance of each budget subcategory and to make each report publicly available on the department's website.

APPROVED by Governor May 7, 2021

EFFECTIVE September 1, 2021

NOTE: This act was passed without a safety clause.

H.B. 21-1076 Carpooling service - registration with the department of transportation required - limitations on service - disclosure to passengers. The act requires the owner or operator of a carpooling service internet application (internet application) to register annually with the department of transportation. Owners or operators are also required to disclose to users of the internet application that carpooling service companies are not regulated by the state; that the state does not conduct medical examinations, vehicle inspections, or insurance verification in relation to the provision of carpooling service; and that background checks on drivers might not be conducted. The act also requires that the amount that can be charged to a user through the internet application be reasonably calculated to cover the direct and indirect costs of providing carpooling service and limits the number of passengers that a driver providing carpooling service through the internet application may transport at any one time.

The act also limits each driver providing carpooling service to one trip per day and defines "carpooling service" as a trip that is at least 23 miles between pick-up and drop-off points or a trip to or from a ski area, regardless of distance.

APPROVED by Governor April 19, 2021

EFFECTIVE April 19, 2021